

BOARD OF SUPERVISORS

MINUTES

August 27, 2003

Supervisors in Attendance:

Mr. Arthur S. Warren, Chairman
Mr. J. L. McHale, III, Vice Chrm.
Mr. Edward B. Barber
Mrs. Renny B. Humphrey
Mr. Kelly E. Miller

Staff in Attendance:

Mr. George Braunstein,
Exec. Dir., Community
Services Board
Ms. Jana Carter, Dir.,
Youth Services
Ms. Marilyn Cole, Asst.
County Administrator
Mr. Roy Covington, Asst.
Dir., Utilities
Mr. Eric Crenshaw, Asst.
Dir., Health Dept.
Ms. Mary Ann Curtin, Dir.,
Intergovtl. Relations
Mr. Charles Dane, Airport
Manager/Asst. Dir. of
External Services
Ms. Rebecca Dickson, Dir.,
Budget and Management
Ms. Lisa Elko, CMC
Clerk
Dep. Chief Frank Edwards,
Fire Department
Ms. Karla Gerner, Dir.,
Human Resource Mgmt.
Mr. Michael Golden, Dir.,
Parks and Recreation
Mr. Bradford S. Hammer,
Deputy Co. Admin.,
Human Services
Mr. John W. Harmon,
Right-of-Way Manager
Mr. Russell Harris, Mgr.
of Community Development
Services
Mr. Thomas E. Jacobson,
Dir., Planning
Mr. Donald Kappel, Dir.,
Public Affairs
Ms. Kathryn Kitchen, Asst.
Supt. of Schools for
Business and Finance
Ms. Mary Lou Lyle, Dir.,
Accounting
Mr. Mike Mabe, Dir.,
Libraries
Mr. R. John McCracken,
Dir., Transportation
Lt. Col. Dennis McDonald,
Police Department
Mr. Richard M. McElfish,
Dir., Env. Engineering
Mr. Steven L. Micas,
County Attorney

Mr. Francis Pitaro, Dir.,
General Services
Mr. James J. L. Stegmaier,
Deputy Co. Admin.,
Management Services
Mr. M. D. Stith, Jr.,
Deputy Co. Admin.,
Community Development
Mr. Thomas Taylor, Dir.,
Block Grant Office

Mr. Warren called the regularly scheduled meeting to order at 3:10 p.m.

1. APPROVAL OF MINUTES

On motion of Mr. McHale, seconded by Mrs. Humphrey, the Board approved the minutes of July 23, 2003 and August 13, 2003, as submitted.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

2. COUNTY ADMINISTRATOR'S COMMENTS

- o Ms. Kathryn Owens, Deputy Refuge Manager for the United States Fish and Wildlife Service presented a \$5,338 revenue sharing check to Mr. Golden, accompanied by Mr. Warren, representing Refuge Revenue Sharing Act payments for use at the Presquile National Wildlife Refuge. She provided an update on activities at Presquile.

Mrs. Humphrey requested that Ms. Owens provide her with visitation data from the Presquile Refuge.

- o Ms. Joan Salvati, Water Quality Administrator, provided an updated report regarding test results for Methyl Tertiary-Butyl Ether (MTBE) in Lake Chesdin. She stated the levels of MTBE have been below detection limits since 2001. She further stated two legislative items are pending in Congress, which would phase out the use of MTBE in gasoline, if adopted.

When asked, Ms. Salvati stated the legislation was triggered by a number of states encountering high levels of MTBE in surface water reservoirs and ground water as a result of leaking underground storage tanks.

Mr. Miller expressed concerns relative to BMPs contributing to the West Nile Virus, and directed staff to prepare a definitive analysis of the potential for BMPs to contribute to the risk of West Nile Virus.

Mr. Warren requested that Dr. Nelson provide a preliminary report at the September 17, 2003 meeting regarding the BMP issue raised by Mr. Miller.

- o Mr. Chris Winstead, Virginia Department of Transportation's (VDOT) Resident Engineer for Chesterfield County, provided information to the Board

regarding VDOT's mowing efforts in county medians. He stated VDOT is increasing its mowing intervals and will continue to do so until the end of the mowing season.

Mr. Miller requested that Mr. Winstead convey to VDOT his concerns relative to BMPs within highway right of ways contributing to the risk of West Nile Virus.

Mr. Winstead stated VDOT attempts to maintain BMPs within ditch lines to the extent that they have been designed to handle storm water, and encourages residents to contact them regarding standing water in VDOT right of ways. He further stated VDOT will test standing water within right of ways and exterminate if it meets the criteria for active mosquito larvae.

Mrs. Humphrey expressed appreciation to Mr. Winstead for VDOT's snow removal efforts during the past winter. She expressed concerns relative to tall grass leading to site distance problems in the Matoaca District, and requested that these situations be resolved prior to the start of school.

Mr. Warren requested that Mr. Winstead or another VDOT staff member return to a Board meeting in September or October to provide an update regarding the concerns raised.

3. BOARD COMMITTEE REPORTS

There were no Board committee reports at this time.

4. REQUESTS TO POSTPONE ACTION, ADDITIONS, OR CHANGES IN THE ORDER OF PRESENTATION

On motion of Mr. McHale, seconded by Mr. Miller, the Board replaced Item 8.A., Adoption on an Emergency Basis of an Ordinance and Resolution Exempting Concession Operations of Certain Youth Athletic Organizations from State Food Handling Laws; replaced Item 8.C.6.a., Transfer of District Improvement Funds from the Matoaca District Improvement Fund to the School Board to Purchase and Install a Message Board at Grange Hall Elementary School; added Item 8.C.7.d., Request for Permission from P. C. Attack Properties, L.C. to Encroach Within an Unimproved County Right of Way Known as West Providence Road, and a Variable Width Virginia Department of Transportation Slope and Drainage Easement Across Lot 50, Providence Creek, Section F; replaced Item 10.B., Reports on the Status of the General Fund Balance, Reserve for Future Capital Projects, District Improvement Funds and Lease Purchases; replaced Item 14.B., Resolution Recognizing Boy Scouts Upon Attaining the Rank of Eagle Scouts; and adopted the Agenda, as amended.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

5. RESOLUTIONS AND SPECIAL RECOGNITIONS

5.A. RECOGNIZING MS. ROSE MINNER BY NAMING THE CHILDREN'S PLAYGROUND AT THE LOWE'S SOCCER COMPLEX IN HER HONOR

Mr. Golden introduced Ms. Rose Minner who was present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, Ms. Rose Minner participated as a member of the master plan committee and significantly contributed to the development of the 2002 Parks and Recreation Master Plan; and

WHEREAS, Ms. Minner was instrumental in the community's efforts to seek funding and develop the children's playground at the Lowe's Soccer Complex; and

WHEREAS, Ms. Minner volunteers to pick up litter around the playground; and

WHEREAS, Ms. Minner also volunteers her time to assist with special events such as potluck suppers for senior citizens at the Bensley Community Center; and

WHEREAS, Ms. Minner has helped to organize and run the Craddock Point Neighborhood Watch program; and

WHEREAS, Ms. Minner has helped to maintain the landscaping at the entranceway to the neighborhood; and

WHEREAS, Ms. Minner has made great contributions toward her goal of making Craddock Point Subdivision and Chesterfield County a great place to live.

NOW, THEREFORE BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 27th day of August 2003, publicly recognizes Ms. Rose Minner by naming the playground at the Lowe's Soccer Complex in her honor and is pleased to have her as a citizen of Chesterfield County.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

Mr. McHale presented the executed resolution to Ms. Minner, accompanied by several of her neighbors, and expressed appreciation for her many contributions to the community.

Ms. Minner expressed appreciation to the Board for the recognition.

5.B. RECOGNIZING MASTER POLICE OFFICER H. O. "HANK" HOLLAND, III, POLICE DEPARTMENT, UPON HIS RETIREMENT

Lieutenant Colonel McDonald introduced Mr. Hank Holland who was present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, Master Police Officer H. O. "Hank" Holland, III will retire from the Chesterfield County Police Department on

September 1, 2003, after providing 28 years of quality service to the citizens of Chesterfield County; and

WHEREAS, Officer Holland has faithfully served the county in the capacity of Patrol Officer, Drug Abuse Resistance Education (D.A.R.E.) Instructor and Mentor for the U.S. Eastern Regional District for D.A.R.E., Desk Officer, Department of Criminal Justice Services Instructor and Total Quality Improvement (T.Q.I.) Facilitator; and

WHEREAS, Officer Holland served the Police Department as a K-9 Officer from 1977 to 1979; and

WHEREAS, Officer Holland began his public service to the citizens of Chesterfield County at the age of 16 as a volunteer fireman at Manchester Volunteer Fire Department, and again served with this volunteer unit from 1974-1975; and

WHEREAS, Officer Holland received national, state and local recognition for his duties as a D.A.R.E. Officer, including Officer Holland's D.A.R.E. students at J. G. Hening Elementary School contributing two of the fifteen amendments of the Children's Bill of Rights signed by President Clinton; and

WHEREAS, Officer Holland received a Virginia PTA Honorary Life Membership in recognition of his noteworthy loyalty and high achievement in promoting the welfare of children and youth; and

WHEREAS, Officer Holland received a Certificate of Commendation for his actions on July 26, 1999, at Johnston Willis Hospital, where he led a cadre of employees in controlling two fires that had a serious potential for damage due to their location near several nitrous oxide tanks, an electric transformer and fuel lines, and a total of 23 fire extinguishers were used to keep the fires under control until the arrival of the Chesterfield County Fire Department; and

WHEREAS, Officer Holland has received many letters of commendation and appreciation from the Police Department, federal, state and local law enforcement agencies, and citizens for his performance and dedication to his law enforcement duties; and

WHEREAS, Officer Holland has provided the Chesterfield County Police Department with many years of loyal and dedicated service, and Chesterfield County and the Board of Supervisors will miss Officer Holland's diligent service.

NOW, THEREFORE, BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 27th day of August 2003, publicly recognizes Master Police Officer H. O. "Hank" Holland, III, and extends on behalf of its members and the citizens of Chesterfield County appreciation for his service to the county, congratulations upon his retirement, and best wishes for a long and happy retirement.

AND, BE IT FURTHER RESOLVED, that a copy of this resolution be presented to Officer Holland, and that this resolution be permanently recorded among the papers of this Board of Supervisors of Chesterfield County, Virginia.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

Mr. Warren presented the executed resolution to Mr. Holland, accompanied by members of his family and Lieutenant Colonel

McDonald, expressed appreciation for his dedicated service and wished him well in his retirement.

Mr. Holland expressed the following words of gratitude:

"Though it has come to be my turn to be thanked and honored for my years of service to Chesterfield County, I can only humble myself to thank you. It is only by the Grace of God, my family, friends, fellow police officers, and our citizens that I am able to stand here now before you. Being a participant in the changes in our county since 1975, I have concluded all along that we are a productive community. We have always had the best of people working to make a strong county government. Even in the days of totally volunteer fire departments, rescue squads, and a small police department, the citizens of this county were served by dedicated people who made a personal decision to serve their community.

On a hot summer day in June of 1960, our family arrived in Chesterfield County to begin a new chapter in our lives. The six of us arrived in a 1953 two door Studebaker, with no air conditioning in the late afternoon heat. The youngest was less than a year old. It was the days when you did not have disposal diapers and the only formula for babies was milk. My parents made a landmark decision to build a better life with the opportunities afforded in the Capital City area. Their 'First Choice' to begin this adventure was Chesterfield County. The rest is history forty-three years later.

My choice to serve Chesterfield County was derived from the police officers that served our community. I considered these officers to be 'Legends.' For so few to cover such a large diversified county, they dedicated themselves to the task. Everyone knew and respected them. On September 1, 1975, I had the honor to be appointed and joined these true 'Legends.' Throughout my career I have enjoyed working with the best. I have never contemplated leaving the department for another, whether it be federal, state, or local. As I leave my duties as a public servant, I trust that technology will continue to automate the necessary documentation duties to keep the police officer out in the community to do what they are trained and dedicated to do best.

I want to thank you and all whom have served this county for supporting this police department during my tenure. You have spoken about us with sincere pride. Your pride is a great honor to those officers who serve our citizens on a daily basis. This county will continue to grow and be strong because of our legacy. May those who will serve remember to be of good stewards for the citizens and businesses that have made Chesterfield County their 'First Choice.'

May God continue to bless and protect you. Farewell and Godspeed..."

A standing ovation followed.

Mr. Stegmaier presented a Jefferson Cup to Mr. Holland and expressed appreciation for 28 years of dedicated service.

5.C. RECOGNITION OF 2003 NACO ACHIEVEMENT AWARD WINNERS

Ms. Cole stated that this year Chesterfield County is the recipient of 12 Achievement Awards from the National Association of Counties (NACo). She further stated the Public Affairs Department also received 22 awards from the National Association of County Information Officers (NACIO).

Mr. Warren, accompanied by Mr. Stegmaier, recognized the following recipients and presented them with the 2003 NACO Achievement Awards:

<u>Department</u>	<u>Project</u>
County Administration	> Aging of the Population: Choices, Options and Benefits of Aging
Fire Department	> Officer and Supervisory Continued Education Initiative > Public/Non-Profit Partnership > Joint Venture Training Initiative > Junior Safety Camp
Human Resources Management	> Chesterfield University > Job Reclassification Process Action Team
Libraries	> See Ya @ the Library > Check and Chick at Your Library > Meadowdale Library Homework Center
Police Department	> Military Reservist Family Support Group
Utilities Department	> Communicating a New Collections Program by Embracing Proactive Customer Service

Mr. Warren and Mr. Stegmaier congratulated and commended each department on their recognitions.

A standing ovation followed.

6. WORK SESSIONS

There were no work sessions at this time.

7. DEFERRED ITEMS

There were no deferred items at this time.

8. NEW BUSINESS

8.A. ADOPTION ON AN EMERGENCY BASIS OF AN ORDINANCE AND RESOLUTION EXEMPTING CONCESSION OPERATIONS OF CERTAIN YOUTH ATHLETIC ORGANIZATIONS FROM STATE FOOD HANDLING LAWS

Mr. Hammer stated the State Board of Health recently issued a ruling that concessions sales at youth athletic activities are bound by regulations controlling preparation and handling of foods. He further stated the Code of Virginia allows the county to exempt concession stands at youth athletic activities from state regulation by adoption of an ordinance and requiring the local health official to supervise concession activities as he deems appropriate. He stated staff recommends that the Board adopt the proposed ordinance on an emergency basis.

When asked, Mr. Hammer stated the state law does not include high school athletic associations.

On motion of Mrs. Humphrey, seconded by Mr. McHale, the Board adopted the following ordinance on an emergency basis:

AN ORDINANCE TO AMEND THE CODE OF THE COUNTY
OF CHESTERFIELD, 1997, AS AMENDED, BY AMENDING AND
REENACTING SECTION 12-41 RELATING TO CONCESSION STANDS
AT YOUTH ATHLETIC FACILITIES

BE IT ORDAINED by the Board of Supervisors of Chesterfield County:

(1) That Section 12-41 of the Code of the County of Chesterfield, 1997, as amended, is amended and reenacted to read as follows:

ARTICLE III. REGULATION OF FOOD AT COUNTY FAIRS
AND CONCESSIONS AT YOUTH ATHLETIC ACTIVITIES

Sec. 12-41. Applicability of state law.

(a) The Code of Virginia, tit. 35.1, shall not apply to the county fairs sponsored by the Chesterfield County Fair Association or concession stands at youth athletic activities, when such stands are promoted or sponsored by either a youth athletic association or by any charitable nonprofit organization or group thereof which has been recognized by resolution of the county as being part of its youth recreational program.

(b) The advisory standards issued by the state board of health are incorporated herein by reference and shall apply to the sale, preparation, serving, transporting and handling of food at such fairs. The county health officer or his designee shall supervise the sale, preparation, service, transporting and handling of food at such fairs.

(c) It shall be the duty of the county's director of health, or a qualified person designated by him, to provide education and consultation, establish advisory standards and exercise appropriate supervision regarding the safe preparation, handling, protection and preservation of food at

concession stands at youth athletic activities, to protect the public health.

(2) That this ordinance shall become effective immediately upon adoption.

And, further, the Board adopted the following resolution:

RESOLUTION OF CHESTERFIELD COUNTY RECOGNIZING YOUTH ATHLETIC ASSOCIATIONS AND OTHER CHARITABLE, NON-PROFIT ORGANIZATIONS WHICH ARE PART OF THE COUNTY'S YOUTH RECREATIONAL PROGRAM

WHEREAS, § 35.1-26 of the Code of Virginia permits the County to exempt by ordinance or resolution certain organizations from the state food handling laws; and

WHEREAS, on this 27th day of August 2003, contemporaneously with this resolution, the Board has adopted on an emergency basis an ordinance to exempt organizations which are part of the County's youth recreational program; and

WHEREAS, state law requires that the County identify which organizations shall be exempt from state law pursuant to the ordinance.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Chesterfield that the following organizations are recognized as being part of the County's youth recreational program and are, therefore, entitled to an exemption pursuant to § 12-41 of the County Code from the food handling laws found in Title 35.1 of the Code of Virginia:

American Legion Post 137
American Legion Post 186
Alberta Smith Athletic Association
Bellwood Athletic Association
Beulah Athletic Association
Bon Air Basketball Association
Central Chesterfield Little League
Chester Pres Basketball
Chesterfield Basketball League
Chesterfield Baseball Clubs
Chesterfield Cheerleading League
Chesterfield Girls Basketball
Chesterfield/Hopewell Youth Wrestling League
Chesterfield LaCrosse Club
Chesterfield Little League
Chesterfield Metro
Chesterfield Soccer Club
Chesterfield Quarterback League
Chesterfield Youth Softball
Chalkley Athletic Association
Chester Athletic Association
Clover Hill Athletic Association
Crenshaw Athletic Association
Davis Athletic Association
Enon Athletic Association
Enon Baseball Athletic Association
Enon Girls Basketball Athletic Association
Enon Boys Basketball Athletic Association
Enon Softball Athletic Association
Ettrick Athletic Association

Ettrick Matoaca Basketball League
Evergreen Athletic Association
F. C. Richmond Soccer
Falling Creek Athletic Association
Falling Creek Sports Athletic Association
Gordon Athletic Association
Harrowgate Athletic Association
Hening Athletic Association
Huguenot Little League
Hopkins Athletic Association
Jacobs Road Athletic Association
James River Soccer
Margueritte Christian Athletic Association
Matoaca Athletic Association
Midlothian Athletic Association
Midlothian Youth Soccer League
Pocoshock Valley Youth Soccer
Providence Athletic Association
Reams Athletic Association
Richmond Kickers
Robious Athletic Association
Royalettes Baton Corps, The
Salem Church Athletic Association
Spring Run Athletic Association
Swift Creek Athletic Association
Swift Creek Sports Club
Weaver Athletic Association
Wells Athletic Association
Woodlake Athletic Association
Woolridge Athletic Association

And, further, the Board set the date of September 17, 2003 at 7:00 p.m. for a public hearing to consider re-adoption of the ordinance.

Ayes: Warren, McHale, Barber, Humphrey and Miller.
Nays: None.

8.B. APPOINTMENTS

On motion of Mr. McHale, seconded by Mr. Warren, the Board suspended its rules at this time to allow for simultaneous nomination/appointment/reappointment of members to serve on the Airport Advisory Board, Youth Services Citizen Board, Chesterfield Community Services Board, Health Center Commission and GRTC Transit System Board of Directors.

Ayes: Warren, McHale, Barber, Humphrey and Miller.
Nays: None.

8.B.1. AIRPORT ADVISORY BOARD

On motion of Mr. Miller, seconded by Mrs. Humphrey, the Board simultaneously nominated/appointed Mr. John C. Marsh, representing the Dale District, to serve on the Airport Advisory Board, whose term is effective immediately and expires March 26, 2006.

Ayes: Warren, McHale, Barber, Humphrey and Miller.
Nays: None.

8.B.2. YOUTH SERVICES CITIZEN BOARD

On motion of Mr. Barber, seconded by Mr. Miller, the Board simultaneously nominated/appointed Mr. Wendell Roberts, adult member representing the Midlothian District, and Ms. Billie Tebbens, adult member representing the Dale District, to serve on the Youth Services Citizen Board, whose terms are effective immediately and expire June 30, 2006.

And, further, the Board simultaneously nominated/appointed Ms. Xuan Pham, student member representing the Dale District, to serve on the Youth Services Citizen Board, whose term is effective immediately and expires June 30, 2004.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

8.B.3. CHESTERFIELD COMMUNITY SERVICES BOARD

On motion of Mrs. Humphrey, seconded by Mr. Barber, the Board simultaneously nominated/appointed Ms. Gayle Skibinski and Mr. A. James Kauffman, representing the county at-large, to serve on the Chesterfield Community Services Board, whose terms are effective September 1, 2003 and expire December 31, 2005.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

8.B.4. HEALTH CENTER COMMISSION

On motion of Mr. Barber, seconded by Mr. McHale, the Board simultaneously nominated/appointed Ms. Margie Dickinson Davis, representing the Midlothian District, to serve on the Health Center Commission, whose term is effective immediately and expires June 30, 2007.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

8.B.5. GRTC TRANSIT SYSTEM

On motion of Mr. McHale, seconded by Mr. Miller, the Board simultaneously nominated/reappointed Mr. David W. Mathews, Mr. Daniel K. Smith and Mr. S. Joseph Ward, representing the county at-large, to serve on the GRTC Transit System Board of Directors, whose terms are effective October 15, 2003 and expire October 14, 2004.

And, further, the Board authorized the County Administrator, or his designee, to appear at the October 15, 2003 GRTC annual meeting to vote, on behalf of the county, for the GRTC Directors appointed by the Board and by Richmond City Council.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

8.C. CONSENT ITEMS

On motion of Mrs. Humphrey, seconded by Mr. Miller, the Board removed the following items from the Consent Agenda for public comment: Item 8.C.6.a., Transfer of District Improvement Funds from the Matoaca District Improvement Fund to the School Board to Purchase and Install a Message Board at Grange Hall Elementary School; Item 8.C.6.b., Transfer of District Improvement Funds from the Matoaca District Improvement Fund to the Chesterfield County Department of Environmental Engineering for the Purchase of a Turbidity Curtain to be Installed in the Swift Creek Reservoir at Route 360 and Dry Creek; Item 8.C.6.d.1., Transfer of District Improvement Funds from to the Department of General Services to Erect a Memorial Wall to Honor Police Officers Who Have Died in the Line of Duty; and Item 8.C.13., Approval of FY2005 Priority List of Primary and Interstate Needs.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

8.C.1. ADOPTION OF RESOLUTIONS

8.C.1.a. RECOGNIZING MRS. ASTRA S. THORNTON, CHESTERFIELD/ COLONIAL HEIGHTS DEPARTMENT OF SOCIAL SERVICES, UPON HER RETIREMENT

On motion of Mr. McHale, seconded by Mrs. Humphrey, the Board adopted the following resolution:

WHEREAS, Mrs. Astra Thornton began her public service career with the county as a Social Worker with the Department of Social Services from 1968 to 1969; and

WHEREAS, in 1979, Mrs. Thornton returned to county employment as an Eligibility Worker with the Department of Social Services; and

WHEREAS, Mrs. Thornton was promoted to Senior Eligibility Worker in 1985 and served in that capacity until 1996; and

WHEREAS, in 1996, Mrs. Thornton transferred to the position of Social Worker in the Child Care Unit and has served there until present; and

WHEREAS, Mrs. Thornton was honored as the agency's "Employee of the Year" in 1996; and

WHEREAS, throughout her career at the Department of Social Services, Mrs. Thornton has served the most vulnerable citizens of Chesterfield County and the City of Colonial Heights.

NOW, THEREFORE BE IT RESOLVED, that the Chesterfield County Board of Supervisors recognizes the outstanding contributions of Mrs. Astra Thornton, expresses the appreciation of all residents for her service to Chesterfield County, and extends appreciation for her dedicated service to the county, congratulations upon her retirement, and best wishes for a long and happy retirement.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

8.C.1.b. RECOGNIZING MRS. BETTY J. O'SHIELDS, SHERIFF'S OFFICE, UPON HER RETIREMENT

On motion of Mr. McHale, seconded by Mrs. Humphrey, the Board adopted the following resolution:

WHEREAS, Mrs. Betty O'Shields began her employment with Chesterfield County as a school crossing guard at Ettrick Elementary School from 1979 until 1985, and began her career with the Chesterfield County Sheriff's Office in 1985 as a Senior Emergency Services Dispatcher; and

WHEREAS, in her capacity as a Records Specialist, Mrs. O'Shields has received fourteen letters of appreciation and two letters of commendation from citizens, co-workers and members of other agencies, and in September 1995, received accolades from a Chesterfield County citizen for the dedication and professionalism she rendered while off duty by coming in to work very early on a Sunday morning to assist the citizen with the release of a family member in another jurisdiction; and

WHEREAS, on August 2, 1996, Mrs. O'Shields was vital in assisting the Emergency Communications Center, Chesterfield Police and the Sheriff's Office in the apprehension of the First Union Bank robbery suspects through her rapid response in relaying pertinent information to the police and in coordinating radio traffic between the two agencies; and

WHEREAS, Mrs. O'Shields was selected as Employee of the Quarter for the fourth quarter in 1990 for her dedication, professionalism, courteous and helpful attitude in providing quality and efficient service; and was nominated three times by her supervisors for Employee of the Quarter and received honorable mention in December 1995, September 1999 and again in June 2000, which speaks highly of her teamwork, cooperative attitude, personal energy and willingness to always go beyond what is requested of her; and

WHEREAS, during her career, Mrs. O'Shields has been commended for her efforts in volunteering for numerous committees, Special Olympics, fund raisers and other special events; and

WHEREAS, during a recent Virginia Crime Information Network (VCIN) audit conducted by the Virginia State Police, one of the auditors commented that the Chesterfield Sheriff's Office has one of the most well managed VCIN and warrant record keeping systems in the Commonwealth, and others across the state should take their lead from Mrs. O'Shields in conducting their business; and

WHEREAS, Mrs. O'Shields established herself early in her career as a person with a strong desire to do her job with enthusiasm and to give deputies and officers more than what they were requesting to enable them to perform their duties efficiently, effectively and with the highest standard of safety affordable to them; and

WHEREAS, the employees of the Chesterfield County Sheriff's Office have had the honor and privilege of serving

the citizens of Chesterfield County and the Commonwealth of Virginia with Mrs. O'Shields who has through her work ethic and personality enhanced each employee and the reputation of the Sheriff's Office.

NOW, THEREFORE BE IT RESOLVED, that the Chesterfield County Board of Supervisors recognizes the outstanding contributions of Mrs. Betty J. O'Shields, expresses the appreciation of all residents for her dedicated service to the county, and extends congratulations upon her retirement and best wishes for a long and happy retirement.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

8.C.1.c. RECOGNIZING BOY SCOUTS UPON ATTAINING THE RANK OF EAGLE SCOUT

8.C.1.c.1. MR. CURTIS CRAIG LANE

On motion of Mr. McHale, seconded by Mrs. Humphrey, the Board adopted the following resolution:

WHEREAS, the Boy Scouts of America was incorporated by Mr. William D. Boyce on February 8, 1910, and was chartered by Congress in 1916; and

WHEREAS, the Boy Scouts of America was founded to build character, provide citizenship training and promote physical fitness; and

WHEREAS, after earning at least twenty-one merit badges in a wide variety of skills including leadership, service and outdoor life, serving in a leadership position in a troop, carrying out a service project beneficial to his community, being active in the troop, demonstrating Scout spirit, and living up to the Scout Oath and Law; and

WHEREAS, Mr. Curtis Craig Lane, Troop 874, sponsored by Saint Luke's United Methodist Church, has accomplished those high standards of commitment and has reached the long-sought goal of Eagle Scout, which is earned by only four percent of those individuals entering the Scouting movement; and

WHEREAS, growing through his experiences in Scouting, learning the lessons of responsible citizenship, and endeavoring to prepare himself for a role as a leader in society, Curtis has distinguished himself as a member of a new generation of prepared young citizens of whom we can all be very proud.

NOW, THEREFORE BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 27th day of August 2003, recognizes Mr. Curtis Craig Lane, extends congratulations on his attainment of Eagle Scout, and acknowledges the good fortune of the County to have such an outstanding young man as one of its citizens.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

8.C.1.c.2. MR. JONATHAN THOMAS LOVIZA

On motion of Mr. McHale, seconded by Mrs. Humphrey, the Board adopted the following resolution:

WHEREAS, the Boy Scouts of America was incorporated by Mr. William D. Boyce on February 8, 1910, and was chartered by Congress in 1916; and

WHEREAS, the Boy Scouts of America was founded to build character, provide citizenship training and promote physical fitness; and

WHEREAS, after earning at least twenty-one merit badges in a wide variety of skills including leadership, service and outdoor life, serving in a leadership position in a troop, carrying out a service project beneficial to his community, being active in the troop, demonstrating Scout spirit, and living up to the Scout Oath and Law; and

WHEREAS, Mr. Jonathan Thomas Loviza, Troop 806, sponsored by Woodlake United Methodist Church, has accomplished those high standards of commitment and has reached the long-sought goal of Eagle Scout, which is earned by only four percent of those individuals entering the Scouting movement; and

WHEREAS, growing through his experiences in Scouting, learning the lessons of responsible citizenship, and endeavoring to prepare himself for a role as a leader in society, Jonathan has distinguished himself as a member of a new generation of prepared young citizens of whom we can all be very proud.

NOW, THEREFORE BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 27th day of August 2003, recognizes Mr. Jonathan Thomas Loviza, extends congratulations on his attainment of Eagle Scout, and acknowledges the good fortune of the County to have such an outstanding young man as one of its citizens.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

8.C.1.c.3. MR. JUSTIN EDWARD WARGOFCAK

On motion of Mr. McHale, seconded by Mrs. Humphrey, the Board adopted the following resolution:

WHEREAS, the Boy Scouts of America was incorporated by Mr. William D. Boyce on February 8, 1910, and was chartered by Congress in 1916; and

WHEREAS, the Boy Scouts of America was founded to build character, provide citizenship training and promote physical fitness; and

WHEREAS, after earning at least twenty-one merit badges in a wide variety of skills including leadership, service and outdoor life, serving in a leadership position in a troop, carrying out a service project beneficial to his community,

being active in the troop, demonstrating Scout spirit, and living up to the Scout Oath and Law; and

WHEREAS, Mr. Justin Edward Wargofcak, Troop 178, sponsored by Ivey Memorial United Methodist Church, has accomplished those high standards of commitment and has reached the long-sought goal of Eagle Scout, which is earned by only four percent of those individuals entering the Scouting movement; and

WHEREAS, growing through his experiences in Scouting, learning the lessons of responsible citizenship, and endeavoring to prepare himself for a role as a leader in society, Justin has distinguished himself as a member of a new generation of prepared young citizens of whom we can all be very proud.

NOW, THEREFORE BE IT RESOLVED, that the Chesterfield County Board of Supervisors recognizes Mr. Justin Edward Wargofcak, extends congratulations on his attainment of Eagle Scout, and acknowledges the good fortune of the County to have such an outstanding young man as one of its citizens.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

8.C.1.d. RECOGNIZING MRS. DEBBIE BEVINS FOR HER PROFESSIONAL ACHIEVEMENTS

On motion of Mr. McHale, seconded by Mrs. Humphrey, the Board adopted the following resolution:

WHEREAS, Mrs. Debbie Bevins has been a radio professional for 18 years; and

WHEREAS, Mrs. Bevins has been the leading biller with WMXB for 12 years; and

WHEREAS, Mrs. Bevins began her radio career in Richmond, Virginia at Q-94 before moving to WMXB; and

WHEREAS, it was at Q-94 that Mrs. Bevins met her future husband, Richmond radio personality Bill Bevins; and

WHEREAS, Mrs. Bevins has developed an extensive network of business relationships with agencies and local businesses throughout the Metro Richmond area; and

WHEREAS, Mrs. Bevins is leaving WMXB for another career opportunity; and

WHEREAS, Mrs. Bevins' efforts at Q-94 and WMXB have contributed to the Metro Richmond Area receiving more news and information about their communities during her tenure; and

WHEREAS, Mrs. Bevins' experience and wide-ranging knowledge of the area will be missed; and

WHEREAS, Mrs. Bevins also serves as president of the Richmond Ronald McDonald House Board.

NOW, THEREFORE, BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 27th day of August 2003, publicly recognizes the professional achievements of Mrs. Debbie Bevins, and wishes her continued success in all her endeavors.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

8.C.2. REQUESTS FOR MUSIC/ENTERTAINMENT FESTIVAL PERMITS

8.C.2.a. FROM RIVER CITY BLUES SOCIETY FOR A MUSIC FESTIVAL AND PICNIC ON SEPTEMBER 28, 2003

On motion of Mr. McHale, seconded by Mrs. Humphrey, the Board approved a request from River City Blues Society for a music/entertainment festival permit for a musical festival and picnic at the Dale Ruritan Center on September 28, 2003.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

8.C.2.b. FROM SUBSTANCE ABUSE FREE ENVIRONMENT, INCORPORATED (SAFE) FOR BANDFEST 2003 ON SEPTEMBER 20, 2003

On motion of Mr. McHale, seconded by Mrs. Humphrey, the Board approved a request from Substance Abuse Free Environment, Incorporated (SAFE) for a music/entertainment festival permit for Bandfest 2003 at the Southside Church of the Nazarene on September 20, 2003.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

8.C.3. APPROVAL TO EXECUTE AN EXTENSION OF THE SERVICE AGREEMENT WITH THE CENTRAL VIRGINIA WASTE MANAGEMENT AUTHORITY FOR RECYCLING USED PROPANE TANKS AT THE COUNTY TRANSFER STATIONS

On motion of Mr. McHale, seconded by Mrs. Humphrey, the Board authorized the County Administrator to sign the extended Service Agreement with the Central Virginia Waste Management Authority for recycling used propane tanks at the county transfer stations.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

8.C.4. STATE ROAD ACCEPTANCE

On motion of Mr. McHale, seconded by Mrs. Humphrey, the Board adopted the following resolution:

WHEREAS, the streets described below are shown on plats recorded in the Clerk's Office of the Circuit Court of Chesterfield County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the

streets meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE BE IT RESOLVED, that this Board requests the Virginia Department of Transportation to add the streets described below to the secondary system of state highways, pursuant to § 33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements.

AND, BE IT FURTHER RESOLVED, that this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage.

AND, BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Type Change to the Secondary System of State Highways: **Addition**

Basis for Change: **Addition, New subdivision street**

Statutory Reference: **§33.1-229**

Project: **Harrowgate Place, Section 2 and a Portion of Somerset, Section 9**

● **Dogwood Avenue, State Route Number: 873**

From: Sandwave Rd., (Rt. 1181)

To: 0.02 Mi. E of Sandwave Rd., (Rt. 1181), a distance of: 0.02 miles.

Right-of-way record was filed on 9/21/2000 with the Office Of Clerk To Circuit Court in Pb. 113; Pg. 12,
with a width of 50 Ft.

● **North Light Drive, State Route Number: 3465**

From: Sandwave Rd., (Rt. 1181)

To: 0.02 Mi. E of Sandwave Rd., (Rt. 1181), a distance of: 0.02 miles.

Right-of-way record was filed on 9/21/2000 with the Office Of Clerk To Circuit Court in Pb. 113; Pg. 12,
with a width of 50 Ft.

● **Sandwave Road, State Route Number: 1181**

From: 0.03 Mi. S of Dogwood Ave. (Rt. 874) & (Rt. 3819)

To: North Light Dr., (Rt. 3465), a distance of: 0.03 miles.

Right-of-way record was filed on 9/21/2000 with the Office Of Clerk To Circuit Court in Pb. 113; Pg. 12,
with a width of 60 Ft.

● **Sandwave Road, State Route Number: 1181**

From: North Light Dr., (Rt. 3465)

To: Tanner Slip Cr., (Rt. 5556), a distance of: 0.03 miles.

Right-of-way record was filed on 9/21/2000 with the Office Of Clerk To Circuit Court in Pb. 113; Pg. 12,
with a width of 60 Ft.

● **Sandwave Road, State Route Number: 1181**

From: Tanner Slip Cr., (Rt. 5556)

To: 0.05 Mi. E of Tanner Slip Cr., (Rt. 5556), a distance of: 0.05 miles.

Right-of-way record was filed on 9/21/2000 with the Office Of Clerk To Circuit Court in Pb. 113; Pg. 12,
with a width of 60 Ft.

● **Tanner Slip Circle, State Route Number: 5556**

From: Sandwave Rd., (Rt. 1181)
To: 0.33 Mi. E of Sandwave Rd., a distance of: 0.33 miles.

Right-of-way record was filed on 9/21/2000 with the Office Of Clerk To Circuit Court in Pb. 113; Pg. 12,
with a width of 40 Ft.

Right-or-way record was filed on 4/13/1988 with the Office of Clerk to Circuit Court in Pb. 61; Pg. 8
with a width of 40 Ft. (Sommerset, Section 9 portion of 88 Ft.)

And, further, the Board adopted the following resolution:

WHEREAS, the streets described below are shown on plats recorded in the Clerk's Office of the Circuit Court of Chesterfield County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the streets meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE BE IT RESOLVED, that this Board requests the Virginia Department of Transportation to add the streets described below to the secondary system of state highways, pursuant to § 33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements.

AND, BE IT FURTHER RESOLVED, that this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage.

AND, BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Type Change to the Secondary System of State Highways: **Addition**

Basis for Change: **Addition, New subdivision street**

Statutory Reference: **§33.1-229**

Project: **Stoney Glen South, Sec. 1**

● **Baltustrol Avenue, State Route Number: 5393**

From: Branders Bridge Rd (Rt. 625)
To: Beachmere Dr., (Rt. 5394), a distance of: 0.05 miles.

Right-of-way record was filed on 4/23/2001 with the Office Of Clerk To Circuit Court in Pb. 116; Pg. 79,
with a width of 50 Ft.

● **Baltustrol Avenue, State Route Number: 5393**

From: Beachmere Dr., (Rt. 5394)
To: Dampier Dr., (Rt. 5397), a distance of: 0.06 miles.

Right-of-way record was filed on 4/23/2001 with the Office Of Clerk To Circuit Court in Pb. 116; Pg. 79,

with a width of 50 Ft.

● **Baltustrol Avenue, State Route Number: 5393**

From: Dampier Dr., (Rt. 5397)

To: 0.01 Mi. E of Dampier Dr., (Rt. 5397), a distance of: 0.01 miles.

Right-of-way record was filed on 4/23/2001 with the Office Of Clerk To Circuit Court in Pb. 116; Pg. 79,
with a width of 50 Ft.

● **Beachmere Court, State Route Number: 5395**

From: Beachmere Dr., (Rt. 5394)

To: Cul-de-sac, a distance of: 0.05 miles.

Right-of-way record was filed on 4/23/2001 with the Office Of Clerk To Circuit Court in Pb. 116; Pg. 79,
with a width of 50 Ft.

● **Beachmere Drive, State Route Number: 5394**

From: Baltustrol Av., (Rt. 5393)

To: Beachmere Ct., (Rt. 5395), a distance of: 0.11 miles.

Right-of-way record was filed on 4/23/2001 with the Office Of Clerk To Circuit Court in Pb. 116; Pg. 79,
with a width of 50 Ft.

● **Beachmere Drive, State Route Number: 5394**

From: Beachmere Ct., (Rt. 5395)

To: Beachmere Tr., (Rt. 5396), a distance of: 0.04 miles.

Right-of-way record was filed on 4/23/2001 with the Office Of Clerk To Circuit Court in Pb. 116; Pg. 79,
with a width of 50 Ft.

● **Beachmere Drive, State Route Number: 5394**

From: Beachmere Tr., (Rt. 5396)

To: Cul-de-sac, a distance of: 0.23 miles.

Right-of-way record was filed on 4/23/2001 with the Office Of Clerk To Circuit Court in Pb. 116; Pg. 79,
with a width of 50 Ft.

● **Beachmere Terrace, State Route Number: 5396**

From: Beachmere Dr., (Rt. 5394)

To: 0.03 Mi. W of Beachmere Dr., (Rt. 5394), a distance of: 0.03 miles.

Right-of-way record was filed on 4/23/2001 with the Office Of Clerk To Circuit Court in Pb. 116; Pg. 79,
with a width of 50 Ft.

● **Dampier Drive, State Route Number: 5397**

From: Baltustrol Av., (Rt. 5393)

To: 0.08 Mi. S of Baltustrol Av., (Rt. 5393), a distance of: 0.08 miles.

Right-of-way record was filed on 4/23/2001 with the Office Of Clerk To Circuit Court in Pb. 116; Pg. 79,
with a width of 50 Ft.

And, further, the Board adopted the following resolution:

WHEREAS, the streets described below are shown on plats recorded in the Clerk's Office of the Circuit Court of Chesterfield County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the streets meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE BE IT RESOLVED, that this Board requests the Virginia Department of Transportation to add the streets described below to the secondary system of state highways, pursuant to § 33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements.

AND, BE IT FURTHER RESOLVED, that this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage.

AND, BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Type Change to the Secondary System of State Highways: Addition

Basis for Change: **Addition, New subdivision street**

Statutory Reference: **§33.1-229**

Project: **Warfield Estates, Section E**

● **Warfield Estates Drive, State Route Number: 4454**

From: 0.05 Mi. E of Warfield Estates Tr., (Rt. 4456)

To: Warfield Estates Pl., (Rt. 5376), a distance of: 0.01 miles.

Right-of-way record was filed on 11/2/1999 with the Office Of Clerk To Circuit Court in Pb.107; Pg 89, with a width of 44 Ft.

● **Warfield Estates Drive, State Route Number: 4454**

From: Warfield Estates Pl., (Rt. 5376)

To: Cul-de-sac, a distance of: 0.18 miles.

Right-of-way record was filed on 11/2/1999 with the Office Of Clerk To Circuit Court in Pb.107; Pg 89, with a width of 40 Ft.

● **Warfield Estates Place, State Route Number: 5376**

From: Warfield Estates Dr., (Rt. 4454)

To: Cul-de-sac, a distance of: 0.08 miles.

Right-of-way record was filed on 11/2/1999 with the Office Of Clerk To Circuit Court in Pb.107; Pg 89, with a width of 40 Ft.

And, further, the Board adopted the following resolution:

WHEREAS, the streets described below are shown on plats recorded in the Clerk's Office of the Circuit Court of Chesterfield County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the streets meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE BE IT RESOLVED, that this Board requests the Virginia Department of Transportation to add the streets described below to the secondary system of state highways, pursuant to § 33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements.

AND, BE IT FURTHER RESOLVED, that this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage.

AND, BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Type Change to the Secondary System of State Highways: Addition

Basis for Change: **Addition, New subdivision street**

Statutory Reference: **§33.1-229**

Project: **Arbor Landing, Sec. 6**

● **Arbor Point Terrace, State Route Number: 5570**

From: Drayton Landing Dr., (Rt. 5568)

To: Cul-de-sac, a distance of: 0.05 miles.

Right-of-way record was filed on 2/24/2000 with the Office Of Clerk To Circuit Court in Pb. 109; Pg. 53,
with a width of 50 Ft.

● **Drayton Landing Court, State Route Number: 5569**

From: Drayton Landing Dr., (Rt. 5568)

To: Cul-de-sac, a distance of: 0.06 miles.

Right-of-way record was filed on 2/24/2000 with the Office Of Clerk To Circuit Court in Pb. 109; Pg. 53,
with a width of 50 Ft.

● **Drayton Landing Drive, State Route Number: 5568**

From: Ironbridge Py., (Rt. 1569)

To: Drayton Landing Ct., (Rt. 5569), a distance of: 0.04 miles.

Right-of-way record was filed on 2/24/2000 with the Office Of Clerk To Circuit Court in Pb. 109; Pg. 53,
with a width of 50 Ft.

● **Drayton Landing Drive, State Route Number: 5568**

From: Drayton Landing Ct., (Rt. 5569)

To: Arbor Point Tr., (Rt. 5570), a distance of: 0.05 miles.

Right-of-way record was filed on 2/24/2000 with the Office Of Clerk To Circuit Court in Pb. 109; Pg. 53,
with a width of 50 Ft.

● **Drayton Landing Drive, State Route Number: 5568**

From: Arbor Point Tr., (Rt. 5570)

To: Cul-de-sac, a distance of: 0.07 miles.

Right-of-way record was filed on 2/24/2000 with the Office Of Clerk To Circuit Court in Pb. 109; Pg. 53,

with a width of 50 Ft.

And, further, the Board adopted the following resolution:

WHEREAS, the streets described below are shown on plats recorded in the Clerk’s Office of the Circuit Court of Chesterfield County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the streets meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE BE IT RESOLVED, that this Board requests the Virginia Department of Transportation to add the streets described below to the secondary system of state highways, pursuant to § 33.1-229, Code of Virginia, and the Department’s Subdivision Street Requirements.

AND, BE IT FURTHER RESOLVED, that this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage.

AND, BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Type Change to the Secondary System of State Highways: **Addition**

Basis for Change: **Addition, New subdivision street**

Statutory Reference: **§33.1-229**

Project: **Jessup Station**

● **Holden Road, State Route Number: 5559**

From: Jessup Station Dr., (Rt. 5560)

To: Cul-de-sac, a distance of: 0.04 miles.

Right-of-way record was filed on 12/22/1998 with the Office Of Clerk To Circuit Court in Pb. 102; Pg. 57,

with a width of 50 Ft.

● **Holden Road, State Route Number: 5559**

From: Jessup Station Dr., (Rt. 5560)

To: 0.09 Mi. W of Jessup Station Dr., (Rt. 5560), a distance of: 0.09 miles.

Right-of-way record was filed on 12/22/1998 with the Office Of Clerk To Circuit Court in Pb. 102; Pg. 57,

with a width of 50 Ft.

● **Jessup Station Court, State Route Number: 5557**

From: Jessup Station Dr., (Rt. 5560)

To: Cul-de-sac, a distance of: 0.09 miles.

Right-of-way record was filed on 12/22/1998 with the Office Of Clerk To Circuit Court in Pb. 102; Pg. 57,
with a width of 50 Ft.

● **Jessup Station Drive, State Route Number: 5560**

From: Jessup Rd., (Rt. 643)
To: Jessup Station Pl., (Rt. 5558) & Jessup Station Ct. (Rt. 5557), a distance of: 0.05 miles.

Right-of-way record was filed on 12/22/1998 with the Office Of Clerk To Circuit Court in Pb. 102; Pg. 57,
with a width of 50 Ft.

● **Jessup Station Drive, State Route Number: 5560**

From: Jessup Station Pl., (Rt. 5558) & Jessup Station Ct. (Rt. 5557)
To: Holden Rd., (Rt. 5559), a distance of: 0.07 miles.

Right-of-way record was filed on 12/22/1998 with the Office Of Clerk To Circuit Court in Pb. 102; Pg. 57,
with a width of 50 Ft.

● **Jessup Station Place, State Route Number: 5558**

From: Jessup Station Dr., (Rt. 5560)
To: Cul-de-sac, a distance of: 0.03 miles.

Right-of-way record was filed on 12/22/1998 with the Office Of Clerk To Circuit Court in Pb. 102; Pg. 57,
with a width of 50 Ft.

And, further, the Board adopted the following resolution:

WHEREAS, the streets described below are shown on plats recorded in the Clerk's Office of the Circuit Court of Chesterfield County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the streets meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE BE IT RESOLVED, that this Board requests the Virginia Department of Transportation to add the streets described below to the secondary system of state highways, pursuant to § 33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements.

AND, BE IT FURTHER RESOLVED, that this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage.

AND, BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Type Change to the Secondary System of State Highways: Addition

Basis for Change: Addition, New subdivision street

Statutory Reference: §33.1-229

Project: Foxfire, Section 1

● **Fox Light Parkway, State Route Number: 5534**

From: Woolridge Rd., (Rt. 668)

To: 0.42 Mi. W of Woolridge Rd., (Rt. 668), a distance of: 0.42 miles.

Right-of-way record was filed on 8/9/1997 with the Office Of Clerk To Circuit Court in Pb. 95; Pg. 38, with a width of 100 Ft.

● **Fox Light Parkway, State Route Number: 5534**

From: 0.42 Mi. W of Woolridge Rd., (Rt. 668)

To: Fox Marsh Dr., (Rt. 5549), a distance of: 0.08 miles.

Right-of-way record was filed on 8/9/1997 with the Office Of Clerk To Circuit Court in Pb. 95; Pg. 38, with a width of 100 Ft.

● **Fox Light Parkway, State Route Number: 5534**

From: Fox Marsh Dr., (Rt. 5549)

To: Cul-de-sac, a distance of: 0.11 miles.

Right-of-way record was filed on 8/9/1997 with the Office Of Clerk To Circuit Court in Pb. 95; Pg. 38, with a width of 50 Ft.

● **Fox Marsh Court, State Route Number: 5551**

From: Fox Marsh Dr., (Rt. 5549)

To: Cul-de-sac, a distance of: 0.06 miles.

Right-of-way record was filed on 8/9/1997 with the Office Of Clerk To Circuit Court in Pb. 95; Pg. 38, with a width of 40 Ft.

● **Fox Marsh Drive, State Route Number: 5549**

From: Woolridge Rd., (Rt. 668)

To: Fox Marsh Pl., (Rt. 5550), a distance of: 0.11 miles.

Right-of-way record was filed on 8/9/1997 with the Office Of Clerk To Circuit Court in Pb. 95; Pg. 38, with a width of 40 Ft.

● **Fox Marsh Drive, State Route Number: 5549**

From: Fox Marsh Pl., (Rt. 5550)

To: Fox Marsh Ct., (Rt. 5551), a distance of: 0.08 miles.

Right-of-way record was filed on 8/9/1997 with the Office Of Clerk To Circuit Court in Pb. 95; Pg. 38, with a width of 40 Ft.

● **Fox Marsh Drive, State Route Number: 5549**

From: Fox Marsh Ct., (Rt. 5551)

To: Cul-de-sac, a distance of: 0.13 miles.

Right-of-way record was filed on 8/9/1997 with the Office Of Clerk To Circuit Court in Pb. 95; Pg. 38, with a width of 40 Ft.

● **Fox Marsh Place, State Route Number: 5550**

From: Fox Marsh Dr., (Rt. 5549)

To: Cul-de-sac, a distance of: 0.13 miles.

Right-of-way record was filed on 8/9/1997 with the Office Of Clerk To Circuit Court in Pb. 95; Pg. 38, with

a width of 40 Ft.

And, further, the Board adopted the following resolution:

WHEREAS, the streets described below are shown on plats recorded in the Clerk's Office of the Circuit Court of Chesterfield County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the streets meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE BE IT RESOLVED, that this Board requests the Virginia Department of Transportation to add the streets described below to the secondary system of state highways, pursuant to § 33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements.

AND, BE IT FURTHER RESOLVED, that this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage.

AND, BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Type Change to the Secondary System of State Highways: **Addition**

Basis for Change: **Addition, New subdivision street**

Statutory Reference: **§33.1-229**

Project: **St. James Woods, Sec. J**

● **Lomond Drive, State Route Number: 5561**

From: Nevis Dr., (Rt. 6069)

To: Cul-de-sac, a distance of: 0.15 miles.

Right-of-way record was filed on 2/8/2002 with the Office Of Clerk To Circuit Court in Pb 123; Pg. 77, with

a width of 40 Ft.

● **Nevis Drive, State Route Number: 6069**

From: 0.21 Mi. E of Explorer Dr., (Rt. 3998)

To: Lomond Dr., (Rt. 5561), a distance of: 0.05 miles.

Right-of-way record was filed on 2/8/2002 with the Office Of Clerk To Circuit Court in Pb 123; Pg. 77, with

a width of 40 Ft.

● **Nevis Drive, State Route Number: 6069**

From: Lomond Dr., (Rt. 5561)

To: Cul-de-sac, a distance of: 0.10 miles.

Right-of-way record was filed on 2/8/2002 with the Office Of Clerk To Circuit Court in Pb 123; Pg. 77, with

a width of 40 Ft.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

8.C.5. SET DATES FOR PUBLIC HEARINGS

8.C.5.a. TO CONSIDER AMENDING THE COUNTY'S UNSAFE STRUCTURES ORDINANCE TO INCLUDE A CIVIL PENALTY

On motion of Mr. McHale, seconded by Mrs. Humphrey, the Board set the date of September 17, 2003 at 7:00 p.m. for a public hearing to consider whether to prescribe a civil penalty for violation of the county's unsafe structures ordinance.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

8.C.5.b. TO CONSIDER AMENDING THE COUNTY CODE TO ELIMINATE THE SUNSET PROVISION ON JAIL PROCESSING FEES

On motion of Mr. McHale, seconded by Mrs. Humphrey, the Board set the date of September 17, 2003 at 7:00 p.m. for a public hearing to consider amending the County Code to eliminate the sunset provision relating to jail processing fees.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

8.C.6. TRANSFER OF DISTRICT IMPROVEMENT FUNDS

8.C.6.c. FROM THE MIDLOTHIAN DISTRICT IMPROVEMENT FUND TO THE POLICE AND PARKS AND RECREATION DEPARTMENTS AND TO THE SCHOOL BOARD TO DEFRAY THE COSTS OF THE MIDLOTHIAN VILLAGE DAY FESTIVAL

On motion of Mr. McHale, seconded by Mrs. Humphrey, the Board transferred \$1,775 from the Midlothian District Improvement Fund to the Police and Parks and Recreation Departments and to the School Board to defray the costs of the Midlothian Village Day Festival.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

8.C.6.d. FROM THE BERMUDA, CLOVER HILL, DALE, MIDLOTHIAN AND MATOACA DISTRICT IMPROVEMENT FUNDS

8.C.6.d.2. TO THE CHESTERFIELD COUNTY SCHOOL BOARD TO RENOVATE WATKINS ELEMENTARY ANNEX FOR CLASSROOM INSTRUCTION FOR SENIOR CITIZENS

On motion of Mr. McHale, seconded by Mrs. Humphrey, the Board transferred \$20,000 in District Improvement Funds (\$8,000 from the Clover Hill District Improvement Fund; \$4,000 each from the Dale and Midlothian District Improvement Funds; and \$2,000 each from the Bermuda and Matoaca District Improvement Funds) to the Chesterfield County School Board to renovate Watkins Elementary Annex for classroom instruction for senior citizens.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

Mr. Warren recognized Ms. Debbie Leidheiser, Development Manager of Brandermill Woods Foundation to provide details of the Lifelong Learning Institute program to be located at Watkins Elementary.

Ms. Leidheiser, accompanied by Reverend Gordon Mapes and Mr. Walt Shugart, stated instructors have been recruited and classes will begin in March 2004. She further stated many improvements need to be made to make the facility accessible for adults. She stated activities and social events are also planned for the seniors who are members of the program.

Reverend Mapes expressed appreciation to the Board for supporting the Lifelong Learning Institute for senior citizens.

8.C.7. REQUESTS FOR PERMISSION

8.C.7.a. FROM WINTERBERRY HOMES, INCORPORATED FOR A PROPOSED WOODEN DECK TO ENCROACH WITHIN A TWENTY-FIVE FOOT DRAINAGE AND SEWER EASEMENT ACROSS LOT 3, WILLESDEN AT STONEHENGE, SECTION 1

On motion of Mr. McHale, seconded by Mrs. Humphrey, the Board approved a request from Winterberry Homes, Incorporated for a proposed wooden deck to encroach within a 25-foot drainage and sewer easement across Lot 3, Willesden at Stonehenge, Section 1, subject to the execution of a license agreement. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

8.C.7.b. FROM JOHN R. NOBLE AND MAUREEN S. NOBLE FOR AN EXISTING FENCE TO ENCROACH WITHIN A TWENTY-FOOT ALLEY AND A TEN-FOOT SEWER EASEMENT ACROSS LOT 2, AUSTIN HEIGHTS SUBDIVISION

On motion of Mr. McHale, seconded by Mrs. Humphrey, the Board approved a request from John R. Noble and Maureen S. Noble for an existing fence to encroach within a 20-foot alley and a ten-foot sewer easement across Lot 2, Austin Heights Subdivision, subject to the execution of a license agreement. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

8.C.7.c. FROM GEORGE W. JONES, JR. FOR A PROPOSED FENCE AND AN EXISTING FENCE TO ENCROACH WITHIN AN EIGHT-FOOT EASEMENT FOR DRAINAGE AND UTILITIES ACROSS LOT 8, BLOCK N, MEADOWDALE, SECTION C

On motion of Mr. McHale, seconded by Mrs. Humphrey, the Board approved a request from George W. Jones, Jr. for a proposed fence and an existing fence to encroach within an eight-foot easement for drainage and utilities across Lot 8, Block N, Meadowdale, Section C, subject to the execution of a license

agreement. (It is noted a copy of the vicinity sketch is filed with the papers of this Board.)

Ayes: Warren, McHale, Barber, Humphrey and Miller.
Nays: None.

8.C.7.d. FROM P. C. ATACK PROPERTIES, L.C. FOR A GRAVEL DRIVEWAY TO ENCROACH WITHIN AN UNIMPROVED COUNTY RIGHT OF WAY KNOWN AS WEST PROVIDENCE ROAD, AND A VARIABLE WIDTH VIRGINIA DEPARTMENT OF TRANSPORTATION SLOPE AND DRAINAGE EASEMENT ACROSS LOT 50, PROVIDENCE CREEK, SECTION F

On motion of Mr. McHale, seconded by Mrs. Humphrey, the Board approved a request from P. C. Atack Properties, L.C. for a gravel driveway to encroach within an unimproved county right of way known as West Providence Road, and a variable width Virginia Department of Transportation slope and drainage easement across Lot 50, Providence Creek, Section F.

Ayes: Warren, McHale, Barber, Humphrey and Miller.
Nays: None.

8.C.8. APPROVAL OF UTILITY CONTRACTS

8.C.8.a. FOR PINEY BRANCH WASTEWATER PUMP STATION AND FORCE MAIN PROJECT (REVISED CONTRACT)

On motion of Mr. McHale, seconded by Mrs. Humphrey, the Board approved the following revised utility contract for Piney Branch Pump Station and Force Main, Contract Number 02-0301, and authorized the County Administrator to execute any necessary documents:

Developer: River Oaks Development Co., LLC
Contractor: Anderson Construction, Inc.
Contract Amount: Estimated County Cost for Oversizing
Wastewater Cash Refund. . . . \$40,000.00
Wastewater Refund Thru
Connections \$137,793.30
Estimated Developer Cost \$517,593.29
Estimated Total. \$695,386.59
Code: (Refunds thru Connections - Oversizing) 5N-572VO-E4C
(Cash Refund - Oversizing) 5N-572WO-E4C
District: Bermuda

(It is noted a copy of the vicinity sketch is filed with the papers of this Board.)

Ayes: Warren, McHale, Barber, Humphrey and Miller.
Nays: None.

8.C.8.b. FOR HAMPTON PARK, SECTION 22

On motion of Mr. McHale, seconded by Mrs. Humphrey, the Board approved the following utility contract for Hampton Park Section 22, Contract Number 03-0023, and authorized the County Administrator to execute any necessary documents:

Developer: Hampton Park Associates, LLC

Contractor: RMC Contractors, Inc.
Contract Amount: Estimated County Cost for
Oversizing \$2,451.00
Estimated Developer Cost \$68,073.00
Estimated Total. \$70,524.00
Code: (Refunds thru Connections - Oversizing) 5N-572VO-E4C
District: Matoaca

(It is noted a copy of the vicinity sketch is filed with the papers of this Board.)

Ayes: Warren, McHale, Barber, Humphrey and Miller.
Nays: None.

8.C.10. ACCEPTANCE OF PARCELS OF LAND

8.C.10.a. ALONG THE WEST RIGHT OF WAY LINE OF OTTERDALE ROAD FROM HENRY L. GILL, JR. AND NANCY G. GILL

On motion of Mr. McHale, seconded by Mrs. Humphrey, the Board accepted the conveyance of a parcel of land containing 0.296 acres along the west right of way line of Otterdale Road (State Route 667), for the development of Magnolia Green, from Henry L. Gill, Jr. and Nancy G. Gill, and authorized the County Administrator to execute the deed. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Warren, McHale, Barber, Humphrey and Miller.
Nays: None.

8.C.10.b. FOR THE EXTENSION OF BRANDERS CREEK DRIVE FROM RIVER OAKS DEVELOPMENT COMPANY, LLC

On motion of Mr. McHale, seconded by Mrs. Humphrey, the Board accepted the conveyance of a parcel of land containing 2.93 acres for the extension of Branders Creek Drive, from River Oaks Development Company, LLC, and authorized the County Administrator to execute the deed. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Warren, McHale, Barber, Humphrey and Miller.
Nays: None.

8.C.10.c. FOR COXENDALE ROAD FROM VIRGINIA ELECTRIC AND POWER COMPANY

On motion of Mr. McHale, seconded by Mrs. Humphrey, the Board accepted the conveyance of parcels of land containing a total of 2.5641 acres for Coxendale Road from Virginia Electric and Power Company, and authorized the County Administrator to execute the deed. (It is noted copies of the plats are filed with the papers of this Board.)

Ayes: Warren, McHale, Barber, Humphrey and Miller.
Nays: None.

8.C.10.d. FOR THE EXTENSION OF HIGHLAND GLEN DRIVE AND EASTFAIR DRIVE FROM TOUCHSTONE DEVELOPMENT, L.L.C.

On motion of Mr. McHale, seconded by Mrs. Humphrey, the Board accepted the conveyance of a parcel of land containing 4.56 acres for the extension of Highland Glen Drive and Eastfair Drive from Touchstone Development, L.L.C., and authorized the County Administrator to execute the deed. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Warren, McHale, Barber, Humphrey and Miller.
Nays: None.

8.C.11. AUTHORIZATION TO EXERCISE EMINENT DOMAIN FOR THE ACQUISITION OF A WATER EASEMENT TO IMPROVE WATER SERVICE IN THE SALISBURY AREA

On motion of Mr. McHale, seconded by Mrs. Humphrey, the Board authorized the County Attorney to proceed with eminent domain and exercise immediate right of entry pursuant to Sections 15.2-1904 and 1905 of the Code of Virginia, for the acquisition of a water easement to improve water service in the Salisbury area.

And, further, the Board instructed the County Administrator to notify the owners by certified mail on August 29, 2003, of the county's intention to take possession of the easement. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Warren, McHale, Barber, Humphrey and Miller.
Nays: None.

The following items were removed from the Consent Agenda for public comment:

8.C.6.a. FROM THE MATOACA DISTRICT IMPROVEMENT FUND TO THE SCHOOL BOARD TO PURCHASE AND INSTALL A MESSAGE BOARD AT GRANGE HALL ELEMENTARY SCHOOL

Mr. George Beadles expressed concerns relative to conflicting information regarding the applicant in the agenda item and the application for district improvement funds. He inquired why the funding amount has been decreased in the replacement agenda item.

No one else came forward to speak to the issue.

Mrs. Humphrey stated both the Grange Hall Elementary School and the Clover Hill Sports Association need a sign on the Hull Street Corridor and have agreed to erect a joint message board. She further stated the \$2,000 requested is not sufficient for the project, and fundraisers have been scheduled.

Mrs. Humphrey then made a motion, seconded by Mr. Warren, for the Board to transfer \$3,500 from the Matoaca District Improvement Fund to the School Board to purchase and install a message board at Grange Hall Elementary School.

Ayes: Warren, McHale, Barber, Humphrey and Miller.
Nays: None.

8.C.6.b. FROM THE MATOACA DISTRICT IMPROVEMENT FUND TO THE CHESTERFIELD COUNTY DEPARTMENT OF ENVIRONMENTAL ENGINEERING FOR THE PURCHASE OF A TURBIDITY CURTAIN TO BE INSTALLED IN THE SWIFT CREEK RESERVOIR AT ROUTE 360 AND DRY CREEK

Mr. George Beadles stated he feels the Environmental Engineering Department should fund this request from its budget.

No one else came forward to speak to the issue.

After brief discussion, on motion of Mrs. Humphrey, seconded by Mr. Warren, the Board transferred \$2,000 from the Matoaca District Improvement Fund to the Chesterfield County Department of Environmental Engineering for the purchase of a turbidity curtain to be installed in the Swift Creek Reservoir at Route 360 and Dry Creek.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

8.C.6.d.1. TO THE DEPARTMENT OF GENERAL SERVICES TO ERECT A MEMORIAL WALL TO HONOR POLICE OFFICERS WHO HAVE DIED IN THE LINE OF DUTY

Mr. George Beadles expressed concerns relative to the Director of General Services signing the application on behalf of the Police Department and Chesterfield Police Foundation.

No one else came forward to speak to the issue.

Mr. Miller made a motion, seconded by Mr. McHale, for the Board to transfer \$7,000 each from the Bermuda, Clover Hill, Dale, Matoaca and Midlothian District Improvement Funds (total of \$35,000) to the Department of General Services to erect a memorial wall to honor police officers who have died in the line of duty.

Discussion ensued relative to the memorial wall being a joint venture between the Police Department and the Department of General Services.

Mr. Warren called for a vote on the motion of Mr. Miller, seconded by Mr. McHale, for the Board to transfer \$7,000 each from the Bermuda, Clover Hill, Dale, Matoaca and Midlothian District Improvement Funds (total of \$35,000) to the Department of General Services to erect a memorial wall to honor police officers who have died in the line of duty.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

8.C.13. APPROVAL OF FY2005 PRIORITY LIST OF PRIMARY AND INTERSTATE NEEDS

Mr. George Beadles expressed concerns relative to traffic congestion on Route 360. He stated the tolls on Powhite

Parkway reduce traffic on the road. He inquired when and if the proposed toll road from the end of Powhite Parkway to Route 360 will occur, and stated he hopes someone proposes to take the extension from Route 360 to Interstate 95.

No one else came forward to speak to the issue.

After brief discussion, on motion of Mr. Miller, seconded by Mrs. Humphrey, the Board approved the recommended FY2005 priority list of highway projects and statement regarding Chesterfield's primary and interstate road needs.

And, further, the Board directed staff to forward the approved priority list and statement to the county's legislative delegation and the Commonwealth Transportation Board. (It is noted a copy of the priority list of highway projects and statement are filed with the papers of this Board.)

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

The following item was removed from the Consent Agenda for Board discussion:

8.C.12. AUTHORIZE THE COUNTY ADMINISTRATOR TO RENEW A HEALTH CARE CONTRACT WITH ANTHEM HEALTHKEEPERS AND A DENTAL CARE CONTRACT WITH UNITED CONCORDIA COMPANIES, INCORPORATED FOR 2004

Mr. Barber stated that concerns were expressed at the Benefits Committee meeting regarding providing an alternative for escalating health care costs. He called forward Mr. Scott Zaremba, Assistant Director of Human Resource Management to provide details of the alternative that is being requested.

Mr. Zaremba stated that, after additional review, staff is recommending a variation from the traditional strategy of splitting the cost of family coverage 50 percent for the county and 50 percent for the employee to 55 percent for the county and 45 percent for the employee. He further stated employees will have a more attractive choice of staying in current their HMO with a 13 percent increase or switching to a base HMO and save 11 percent on premiums. He stated the base product is slightly different with higher co-pays.

On motion of Mr. Barber, seconded by Mr. McHale, the Board authorized the County Administrator to renew contracts with Anthem Healthkeepers and United Concordia Companies, Incorporated for 2004 at the rates outlined in the papers of this Board.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

8.C.9. CONVEYANCE OF EASEMENTS

8.C.9.a. TO COLUMBIA GAS OF VIRGINIA, INCORPORATED TO INCREASE SERVICE TO THE AIRPORT INDUSTRIAL PARK

Discussion ensued relative to the approval process for conveyance of easements to Columbia Gas.

Mr. Harmon stated there is a staff review process for conveyance of easements. He further stated the cathodic protection system represents no danger to citizens.

Mrs. Humphrey expressed concerns relative to a recent fire in Summerford where the Fire Department did not know how to locate the Columbia Gas turn-off valve and inquired whether the Fire Department has a map of Columbia Gas's turn-off valves.

Deputy Chief Edwards stated maps are available at the communications center showing the location and size of gas lines, but do not show where the cut-off valves are located. He further stated he will work with Mr. Bill Fitch, land agent for Columbia Gas Transmission, to secure a map depicting Columbia Gas's cut-off valves.

Mr. Warren inquired whether the county has emergency procedures in place should an incident involving a gas line occur.

Chief Edwards stated the maps showing the location and size of gas lines would assist in an evacuation should it become necessary.

Mrs. Humphrey directed Chief Edwards to secure maps showing the cut-off valves so that this situation does not occur again in the future.

On motion of Mr. Barber, seconded by Mrs. Humphrey, the Board authorized the Chairman of the Board of Supervisors and the County Administrator to execute easement agreements with Columbia Gas of Virginia, Incorporated to increase service to the Airport Industrial Park, subject to necessary approvals by the Virginia Department of Aviation and the Federal Aviation Administration. (It is noted copies of the plats are filed with the papers of this Board.)

Ayes: Warren, McHale, Barber, Humphrey and Miller.
Nays: None.

**8.C.9.b. TO COLUMBIA GAS TRANSMISSION CORPORATION FOR A
CATHODIC PROTECTION SYSTEM TO PREVENT DETERIORATION
OF ITS PIPELINE THROUGH CHESTERFIELD COUNTY**

On motion of Mr. Barber, seconded by Mrs. Humphrey, the Board authorized the Chairman of the Board of Supervisors and the County Administrator to execute easement agreements with Columbia Gas Transmission Corporation for a cathodic protection system to prevent deterioration of its pipeline through Chesterfield County, subject to necessary approvals. (It is noted copies of the plats are filed with the papers of this Board.)

Ayes: Warren, McHale, Barber, Humphrey and Miller.
Nays: None.

9. HEARINGS OF CITIZENS ON UNSCHEDULED MATTERS OR CLAIMS

O MR. R. E. "DICK" PAGE WILL ADDRESS THE BOARD OF SUPERVISORS REGARDING WHETHER THE BOARD SHOULD IMPOSE USE RESTRICTIONS OR TREATMENT CHANGES AT LAKE CHESDIN

Mr. R. E. "Dick" Page expressed concerns that county water quality reports indicated the presence of Methyl Tertiary-Butyl Ether (MTBE) in the filtered water supply furnished to the county by the Appomattox River Water Authority for distribution to county residents from 1999-2001. He stated the Environmental Protection Agency (EPA) has not established a health-based value for MTBE in drinking water standards. He further stated there is a taste threshold of 40 parts per billion and an odor threshold of 20 parts per billion, but neither of these relate to health. He stated two states have already banned the sale of gasoline using MTBE, and 17 other states have placed various restrictions and have banned the additive or the use thereof. He stated the recent abundance of rain has provided a good flushing of Lake Chesdin. He further stated boat traffic on Lake Chesdin has increased dramatically and expressed concerns relative to the risk of MTBE-related health issues to county citizens. He requested that a public hearing be set to establish banning of two-cycle engine watercraft on Lake Chesdin to enhance the quality of the county's drinking water and protect the health of the end user. He further requested that notice of hearing be inserted in utility bills 30 days in prior to the hearing to insure that citizens and water customers are aware of the public hearing. He referenced two legislative items currently being considered by Congress and stated that, if adopted, neither one will take effect in sufficient time to protect our reservoir from further contamination by two-cycle engine boats. He noted that, when the inspection boat for Swift Creek was switched from a two-cycle to a four-cycle engine, pollution on Swift Creek Lake was eliminated by 95 percent. He inquired why the Appomattox River Water Authority is operated differently than Swift Creek. He requested that Chesterfield County be a leader once again by protecting its water resources and its citizens.

Mr. Miller stated if Mr. Page is correct, he feels the Board should address this issue. He inquired about how the human body metabolizes MTBE, and requested that additional information be provided to the Board relative to the potential problem alluded to by Mr. Page.

Mrs. Humphrey stated she feels the Board must rely on information presented by staff, and noted that Chesterfield is only one-third of the watershed in the Lake Chesdin Reservoir.

Mr. McHale stated he would like information relative to other sources of MTBE pollution.

Discussion, questions and comments ensued relative to the process required for banning two-cycle engines on Lake Chesdin.

Mr. Micas stated all of Lake Chesdin is physically within Chesterfield County and banning of two-cycle engines would require, in addition to the Board's approval, approval by the

Appomattox River Water Authority as the fee simple owner of the reservoir itself.

Mr. Dee Hartman, Director of the Appomattox River Water Authority (ARWA), stated Lake Chesdin has been declared a public body of water and the Department of Game and Inland Fisheries controls the boating, hunting and fishing laws on the lake. He further stated it is his understanding that the ARWA or the Board could make a request to Game and Inland Fisheries to restrict boating on Lake Chesdin.

Mr. Micas stated the Appomattox River Water Authority is the actual body that could restrict boating on Lake Chesdin. He further stated that Game and Inland Fisheries officials have indicated they would respect the wishes of the owner.

Mr. Warren directed Mr. Stegmaier to provide comprehensive information relative to the concerns raised at the September 17, 2003 Board meeting.

Mrs. Humphrey stated that, if a boating ban is recommended, it should encompass all bodies of water in the county rather than singling out Lake Chesdin.

Mr. Miller requested additional expert information to assist in determining whether we actually have a problem with MTBE.

Mr. Barber stated he feels it is unreasonable to expect such a report to be complete by September 17, 2003.

It was generally agreed that staff provide a report to the Board focusing on the issue of whether or not MTBE is a problem regardless of the water resource.

Mr. McHale suggested that staff provide the Board with an outline at its September 17, 2003 meeting of what information the report will contain so that the Board can specify a date for completion of the report.

Mr. Miller stated he concurs with Mr. McHale, noting that he does not feel the issue should be put on the back burner.

Mr. McHale made a motion, seconded by Mr. Miller, for staff to provide an outline of the information that will be contained in the report relative to MTBE, as well as a timeline for completion of the report at the September 17, 2003 meeting.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

10. REPORTS

On motion of Mr. McHale, seconded by Mr. Barber, the Board accepted the following reports:

A report on Developer Water and Sewer Contracts; and a status report on the General Fund Balance, Reserve for Future Capital Projects, District Improvement Funds and Lease Purchases.

And, further, the following roads were accepted into the State Secondary System:

<u>ADDITION</u>	<u>LENGTH</u>
<u>FOXCROFT, SECTION 9</u>	
Effective 7/21/03	
Fox Branch Court (Route 5224) - From Fox Branch Lane (Route 5223) to Cul-de-sac	0.19 Mi
Fox Branch Lane (Route 5223) - From Fox Club Parkway (Route 5201) to Fox Branch Court (Route 5224)	0.12 Mi
Fox Branch Lane (Route 5223) - From Fox Branch Court (Route 5224) to Cul-de-sac	0.15 Mi
<u>GILLS GATE</u>	
Effective 7/21/03	
Gills Gate Court (Route 5555) - From Gills Gate Drive (Route 5552) to Cul-de-sac	0.11 Mi
Gills Gate Drive (Route 5552) - From Gills Gate Court (Route 5555) to Cul-de-sac	0.07 Mi
Gills Gate Drive (Route 5552) - From Gills Gate Terrace (Route 5553) and Gills Gate Place (Route 5554) to Gills Gate Court (Route 5555)	0.07 Mi
Gills Gate Drive (Route 5552) - From Belmont Road (Route 651) to Gills Gate Terrace (Route 5553) and Gills Gate Place (Route 5554)	0.04 Mi
Gills Gate Place (Route 5554) - From Gills Gate Drive (Route 5552) to Cul-de-sac	0.04 Mi
Gills Gate Terrace (Route 5553) - From Gills Gate Drive (Route 5552) to Cul-de-sac	0.11 Mi
<u>LAMMERMOOR AT THE HIGHLANDS</u>	
Effective 7/1/03	
Highland Glen Drive (Route 5160) - From 0.10 mile east of Ravenna Drive (Route 5504) to Lammermoor Drive (Route 5535)	0.25 Mi
Lammermoor Court (Route 5536) - From Lammermoor Drive (Route 5535) to Cul-de-sac	0.15 Mi
Lammermoor Drive (Route 5535) - From Lammermoor Court (Route 5536) to Cul-de-sac	0.07 Mi
Lammermoor Drive (Route 5535) - From Highland Glen Drive (Route 5160) to Lammermoor Court (Route 5536)	0.06 Mi
<u>RURAL ADDITION, ROUTE 2780 (NO COST)</u>	
Effective 7/21/03	
Spirea Road (Route 2780) - From Lucks Lane (Route 720) to 0.21 mile north of Lucks Lane (Route 720)	0.21 Mi

RURAL ADDITION, ROUTE 632 (NO COST)
Effective 7/21/03

Ironbridge Boulevard (Route 632) - From Bel Lac Drive (Route 4635) to Arbor Landing Drive (Route 4518) 0.11 Mi

Ironbridge Boulevard (Route 632) - From Ironbridge Parkway (Route 1569) to Bel Lac Drive (Route 4635) 0.09 Mi

Ayes: Warren, McHale, Barber, Humphrey and McHale.
Nays: None.

11. DINNER

On motion of Mr. McHale, seconded by Mr. Barber, the Board recessed to the Administration Building, Room 502, for dinner.

Ayes: Warren, McHale, Barber, Humphrey and McHale.
Nays: None.

Reconvening:

12. INVOCATION

Reverend Beth Jeffers, Pastor of Hopewell United Methodist Church, gave the invocation.

13. PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA

Eagle Scout Cameron Scott led the Pledge of Allegiance to the flag of the United States of America.

14. RESOLUTIONS AND SPECIAL RECOGNITIONS

14.A. RECOGNIZING G.D PACKAGE MACHINERY INCORPORATED FOR ITS COMMITMENT TO EMPLOYEE HEALTH AND SAFETY

Mr. Kappel introduced Mr. Giuseppe Venturi, Executive Vice President of Operations and Mr. Michael Geer, Facility and Safety Manager of G.D Package Machinery, who were present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, G.D Package Machinery Incorporated began operations in Chesterfield County on January 5, 1978; and

WHEREAS, the company has grown to 168 employees and a physical plant 130,000 square feet in size; and

WHEREAS, the plant assembles and tests new machines for the cigarette market, and also manufactures machinery for the packaging of food and chemical products; and

WHEREAS, it also has departments that overhaul and update G.D machines in production in the U.S. market; and

WHEREAS, the company is well-regarded for its advanced technology; and

WHEREAS, over 10,000 automatic machines have been installed in 100 countries, with more than 3,500 highly qualified employees working at the 20 manufacturing centers that make up an innovative and international enterprise; and

WHEREAS, Virginia's Secretary of Commerce and Trade, Michael Schewel, has announced that G.D Package Machinery has achieved designation as a Safety and Health Achievement Recognition Program (SHARP) site in recognition of its exemplary safety and health programs for its employees.

NOW, THEREFORE BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 27th day of August 2003, publicly recognizes G.D Package Machinery Incorporated for its commitment to employee health and safety, congratulates the company on earning the SHARP award, and wishes G.D Package Machinery continued success in the marketplace.

Ayes: Warren, McHale, Barber, Humphrey and McHale.

Nays: None.

Mr. Warren presented the executed resolution to Mr. Venturi, accompanied by Mr. Geer, and both he and Mr. Stith commended G.D Package Machinery for its commitment to employee health and safety.

Mr. Venturi expressed appreciation to the Board for the recognition.

14.B. RECOGNIZING BOY SCOUTS UPON ATTAINING THE RANK OF EAGLE SCOUT

14.B.1. CAMERON HILL SCOTT, CLOVER HILL DISTRICT

Mr. Hammer introduced Mr. Cameron Scott who was present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, the Boy Scouts of America was incorporated by Mr. William D. Boyce on February 8, 1910, and was chartered by Congress in 1916; and

WHEREAS, the Boy Scouts of America was founded to build character, provide citizenship training and promote physical fitness; and

WHEREAS, after earning at least twenty-one merit badges in a wide variety of skills including leadership, service and outdoor life, serving in a leadership position in a troop, carrying out a service project beneficial to his community, being active in the troop, demonstrating Scout spirit, and living up to the Scout Oath and Law; and

WHEREAS, Mr. Cameron Hill Scott, Troop 894, sponsored by Saint David's Episcopal Church, has accomplished those high

standards of commitment and has reached the long-sought goal of Eagle Scout, which is earned by only four percent of those individuals entering the Scouting movement; and

WHEREAS, growing through his experiences in Scouting, learning the lessons of responsible citizenship, and endeavoring to prepare himself for a role as a leader in society, Cameron has distinguished himself as a member of a new generation of prepared young citizens of whom we can all be very proud.

NOW, THEREFORE BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 27th day of August 2003, publicly recognizes Mr. Cameron Hill Scott, extends congratulations on his attainment of Eagle Scout, and acknowledges the good fortune of the County to have such an outstanding young man as one of its citizens.

Ayes: Warren, McHale, Barber, Humphrey and McHale.

Nays: None.

Mr. Warren presented the executed resolution and patch to Mr. Scott, accompanied by members of his family, congratulated him on his outstanding achievement, and wished him well in his future endeavors.

Mr. Scott expressed appreciation to the Board for the recognition.

14.B.2. JAMES ERIC TETTERTON, CLOVER HILL DISTRICT

Mr. Hammer introduced Mr. James Tetterton who was present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, the Boy Scouts of America was incorporated by Mr. William D. Boyce on February 8, 1910, and was chartered by Congress in 1916; and

WHEREAS, the Boy Scouts of America was founded to build character, provide citizenship training and promote physical fitness; and

WHEREAS, after earning at least twenty-one merit badges in a wide variety of skills including leadership, service and outdoor life, serving in a leadership position in a troop, carrying out a service project beneficial to his community, being active in the troop, demonstrating Scout spirit, and living up to the Scout Oath and Law; and

WHEREAS, Mr. James Eric Tetterton, Troop 855, sponsored by the Church of Jesus Christ of Latter Day Saints, has accomplished those high standards of commitment and has reached the long-sought goal of Eagle Scout, which is earned by only four percent of those individuals entering the Scouting movement; and

WHEREAS, growing through his experiences in Scouting, learning the lessons of responsible citizenship, and endeavoring to prepare himself for a role as a leader in society, James has distinguished himself as a member of a new

generation of prepared young citizens of whom we can all be very proud.

NOW, THEREFORE BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 27th day of August 2003, publicly recognizes Mr. James Eric Tetterton, extends congratulations on his attainment of Eagle Scout, and acknowledges the good fortune of the County to have such an outstanding young man as one of its citizens.

Ayes: Warren, McHale, Barber, Humphrey and McHale.

Nays: None.

Mr. Warren presented the executed resolution and patch to Mr. Tetterton, accompanied by members of his family, congratulated him on his outstanding achievement, and wished him well in his future endeavors.

Mr. Tetterton expressed appreciation to the Board for the recognition and also to his mother for her support.

14.B.3. ROBERT PRESTON SWEET, BERMUDA DISTRICT

Mr. Hammer introduced Mr. Robert Sweet who was present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, the Boy Scouts of America was incorporated by Mr. William D. Boyce on February 8, 1910, and was chartered by Congress in 1916; and

WHEREAS, the Boy Scouts of America was founded to build character, provide citizenship training and promote physical fitness; and

WHEREAS, after earning at least twenty-one merit badges in a wide variety of skills including leadership, service and outdoor life, serving in a leadership position in a troop, carrying out a service project beneficial to his community, being active in the troop, demonstrating Scout spirit, and living up to the Scout Oath and Law; and

WHEREAS, Mr. Robert Preston Sweet, Troop 874, sponsored by Saint Luke's United Methodist Church, has accomplished those high standards of commitment and has reached the long-sought goal of Eagle Scout, which is earned by only four percent of those individuals entering the Scouting movement; and

WHEREAS, growing through his experiences in Scouting, learning the lessons of responsible citizenship, and endeavoring to prepare himself for a role as a leader in society, Robert has distinguished himself as a member of a new generation of prepared young citizens of whom we can all be very proud.

NOW, THEREFORE BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 27th day of August 2003, publicly recognizes Mr. Robert Preston Sweet, extends congratulations on his attainment of Eagle Scout, and

acknowledges the good fortune of the County to have such an outstanding young man as one of its citizens.

Ayes: Warren, McHale, Barber, Humphrey and McHale.

Nays: None.

Mr. McHale presented the executed resolution and patch to Mr. Sweet, accompanied by members of his family, congratulated him on his outstanding achievement, and wished him well in his future endeavors.

Mr. Sweet expressed appreciation to the Board for the recognition.

14.B.4. DANIEL ALAN TAMAGNI, DALE DISTRICT

Mr. Hammer introduced Mr. Daniel Tamagni who was present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, the Boy Scouts of America was incorporated by Mr. William D. Boyce on February 8, 1910, and was chartered by Congress in 1916; and

WHEREAS, the Boy Scouts of America was founded to build character, provide citizenship training and promote physical fitness; and

WHEREAS, after earning at least twenty-one merit badges in a wide variety of skills including leadership, service and outdoor life, serving in a leadership position in a troop, carrying out a service project beneficial to his community, being active in the troop, demonstrating Scout spirit, and living up to the Scout Oath and Law; and

WHEREAS, Mr. Daniel Alan Tamagni, Troop 874, sponsored by Saint Luke's United Methodist Church, has accomplished those high standards of commitment and has reached the long-sought goal of Eagle Scout, which is earned by only four percent of those individuals entering the Scouting movement; and

WHEREAS, growing through his experiences in Scouting, learning the lessons of responsible citizenship, and endeavoring to prepare himself for a role as a leader in society, Danny has distinguished himself as a member of a new generation of prepared young citizens of whom we can all be very proud.

NOW, THEREFORE BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 27th day of August 2003, publicly recognizes Mr. Daniel Alan Tamagni, extends congratulations on his attainment of Eagle Scout, and acknowledges the good fortune of the County to have such an outstanding young man as one of its citizens.

Ayes: Warren, McHale, Barber, Humphrey and McHale.

Nays: None.

Mr. Miller presented the executed resolution to Mr. Tamagni, accompanied by members of his family, congratulated him on

his outstanding achievement, and wished him well in his future endeavors.

Mr. Tamagni expressed appreciation to the Board for the recognition.

14.B.5. ANDREW RYAN HEARE, MIDLOTHIAN DISTRICT

Mr. Hammer introduced Mr. Andrew Heare who was present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, the Boy Scouts of America was incorporated by Mr. William D. Boyce on February 8, 1910, and was chartered by Congress in 1916; and

WHEREAS, the Boy Scouts of America was founded to build character, provide citizenship training and promote physical fitness; and

WHEREAS, after earning at least twenty-one merit badges in a wide variety of skills including leadership, service and outdoor life, serving in a leadership position in a troop, carrying out a service project beneficial to his community, being active in the troop, demonstrating Scout spirit, and living up to the Scout Oath and Law; and

WHEREAS, Mr. Andrew Ryan Heare, Troop 874, sponsored by Saint Luke's United Methodist Church, has accomplished those high standards of commitment and has reached the long-sought goal of Eagle Scout, which is earned by only four percent of those individuals entering the Scouting movement; and

WHEREAS, growing through his experiences in Scouting, learning the lessons of responsible citizenship, and endeavoring to prepare himself for a role as a leader in society, Andrew has distinguished himself as a member of a new generation of prepared young citizens of whom we can all be very proud.

NOW, THEREFORE BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 27th day of August 2003, publicly recognizes Mr. Andrew Ryan Heare, extends congratulations on his attainment of Eagle Scout, and acknowledges the good fortune of the County to have such an outstanding young man as one of its citizens.

Ayes: Warren, McHale, Barber, Humphrey and McHale.

Nays: None.

Mr. Barber presented the executed resolution to Mr. Heare, accompanied by members of his family, congratulated him on his outstanding achievement, and wished him well in his future endeavors.

Mr. Heare expressed appreciation to the Board for the recognition and also to his parents and members of his troop for their support.

14.B.6. MICHAEL BENNETT SNEAD, MATOACA DISTRICT

Mr. Hammer introduced Mr. Michael Snead who was present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, the Boy Scouts of America was incorporated by Mr. William D. Boyce on February 8, 1910, and was chartered by Congress in 1916; and

WHEREAS, the Boy Scouts of America was founded to build character, provide citizenship training and promote physical fitness; and

WHEREAS, after earning at least twenty-one merit badges in a wide variety of skills including leadership, service and outdoor life, serving in a leadership position in a troop, carrying out a service project beneficial to his community, being active in the troop, demonstrating Scout spirit, and living up to the Scout Oath and Law; and

WHEREAS, Mr. Michael Bennett Snead, Troop 806, sponsored by Woodlake United Methodist Church, has accomplished those high standards of commitment and has reached the long-sought goal of Eagle Scout, which is earned by only four percent of those individuals entering the Scouting movement; and

WHEREAS, growing through his experiences in Scouting, learning the lessons of responsible citizenship, and endeavoring to prepare himself for a role as a leader in society, Michael has distinguished himself as a member of a new generation of prepared young citizens of whom we can all be very proud.

NOW, THEREFORE BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 27th day of August 2003, publicly recognizes Mr. Michael Bennett Snead, extends congratulations on his attainment of Eagle Scout, and acknowledges the good fortune of the County to have such an outstanding young man as one of its citizens.

Ayes: Warren, McHale, Barber, Humphrey and McHale.

Nays: None.

Mrs. Humphrey presented the executed resolution to Mr. Snead, accompanied by members of his family, congratulated him on his outstanding achievement, and wished him well in his future endeavors.

Mr. Snead expressed appreciation to the Board for the recognition and also to members of his troop for their support.

14.B.7. MR. CHRISTOPHER WAYNE ALLEN, CLOVER HILL DISTRICT

Mr. Hammer introduced Mr. Christopher Allen who was present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, the Boy Scouts of America was incorporated by Mr. William D. Boyce on February 8, 1910, and was chartered by Congress in 1916; and

WHEREAS, the Boy Scouts of America was founded to build character, provide citizenship training and promote physical fitness; and

WHEREAS, after earning at least twenty-one merit badges in a wide variety of skills including leadership, service and outdoor life, serving in a leadership position in a troop, carrying out a service project beneficial to his community, being active in the troop, demonstrating Scout spirit, and living up to the Scout Oath and Law; and

WHEREAS, Mr. Christopher Wayne Allen, Troop 874, sponsored by Saint Luke's United Methodist Church, has accomplished those high standards of commitment and has reached the long-sought goal of Eagle Scout, which is earned by only four percent of those individuals entering the Scouting movement; and

WHEREAS, growing through his experiences in Scouting, learning the lessons of responsible citizenship, and endeavoring to prepare himself for a role as a leader in society, Christopher has distinguished himself as a member of a new generation of prepared young citizens of whom we can all be very proud.

NOW, THEREFORE BE IT RESOLVED, that the Chesterfield County Board of Supervisors, this 27th day of August 2003, publicly recognizes Mr. Christopher Wayne Allen, extends congratulations on his attainment of Eagle Scout, and acknowledges the good fortune of the County to have such an outstanding young man as one of its citizens.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

Mr. Warren presented the executed resolution to Mr. Allen, accompanied by members of his family, congratulated him on his outstanding achievement, and wished him well in his future endeavors.

Mr. Allen expressed appreciation to the Board for the recognition and also to his parents and members of his troop for their support.

15. REQUESTS FOR MOBILE HOME PERMITS AND REZONING PLACED ON THE CONSENT AGENDA TO BE HEARD IN THE FOLLOWING ORDER:
- WITHDRAWALS/DEFERRALS - CASES WHERE THE APPLICANT ACCEPTS THE RECOMMENDATION AND THERE IS NO OPPOSITION
- CASES WHERE THE APPLICANT DOES NOT ACCEPT THE RECOMMENDATION AND/OR THERE IS PUBLIC OPPOSITION WILL BE HEARD AT SECTION 17

03SN0281

In Matoaca Magisterial District, DANIEL T. SCHMITT requests Conditional Use and amendment of zoning district map to permit a model home in a Residential (R-9) District. The

density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for office/residential mixed uses. This request lies on 7.1 acres fronting approximately 850 feet on the west line of Charter Colony Parkway, approximately 4,500 feet south of North Woolridge Road. Tax ID 724-699-Part of 2736 (Sheet 5).

Mr. Jacobson presented a summary of Case 03SN0281 and stated the Planning Commission and staff recommend approval subject to conditions.

Ms. Jill Crews, representing the applicant, stated the recommendation is acceptable.

Mr. Warren called for public comment.

No one came forward to speak to the issue.

On motion of Mrs. Humphrey, seconded by Mr. Barber, the Board approved Case 03SN0281 subject to the following conditions:

1. A temporary model home shall be permitted in a modular unit provided such unit shall be utilized for a maximum of 120 days from the date of approval of this request. At the end of the 120 days, the temporary sales trailer shall be removed and the temporary model home may be located within facilities housing recreational uses on the Property. (P)
2. The model home shall only be used to market the development (Charter Colony) in which it is located and shall not be used for the sale of lots or houses outside of the development (Charter Colony) in which it is located. (P)
3. The model home shall not be the primary real estate office for the company marketing the development. (P)
4. The model home shall be incidental to construction activity taking place within the development (Charter Colony). (P)

Ayes: Warren, McHale, Barber, Humphrey and McHale.

Nays: None.

03SN0294

In Bermuda Magisterial District, AFFORDABLE RESIDENCES CHFD II requests rezoning and amendment of zoning district map from Multi-family Residential (R-MF) to Community Business (C-3). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for general commercial use. This request lies on 0.9 acre lying approximately 600 feet off the west line of Jefferson Davis Highway at Bensley Commons Boulevard. Tax ID 789-678-Part of 8292 (Sheet 18).

Mr. Jacobson presented a summary of Case 03SN0294 and stated the Planning Commission and staff recommend approval. He noted the request conforms to the Jefferson Davis Corridor

Plan.

Ms. Karen Muller, representing the applicant, stated the recommendation is acceptable.

Mr. Warren called for public comment.

No one came forward to speak to the request.

On motion of Mr. McHale, seconded by Mr. Barber, the Board approved Case 03SN0294.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

03SN0297

In Bermuda Magisterial District, ANDREW M. CONDLIN, ESQUIRE ON BEHALF OF VIRGINIA S. ODUM, AS OWNER AND MRB MANAGEMENT GROUP, INC., AS TENANT, request rezoning and amendment of zoning district map from Community Business (C-3) and Residential (R-7) to General Business (C-5). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for general commercial use. This request lies on 9.2 acres lying approximately 260 feet off the west line of Jefferson Davis Highway, measured from a point approximately 80 feet north of Rio Vista Street. Tax ID 796-661-3916 (Sheet 26).

Mr. Jacobson presented a summary of Case 03SN0297 and stated the Planning Commission and staff recommend approval and acceptance of the proffered conditions. He noted the request conforms to the Chester Village Plan.

Mr. Andrew Condlin stated the recommendation is acceptable.

Mr. Warren called for public comment.

No one came forward to speak to the request.

On motion of Mr. McHale, seconded by Mr. Barber, the Board approved Case 03SN0297 and accepted the following proffered conditions:

1. The following uses shall not be permitted:
 - (a) those uses permitted in the I-1 District that are not otherwise permitted in the C-5 District;
 - (b) commercial automobile parking;
 - (c) mass transportation;
 - (d) drive-in theaters;
 - (e) truck terminals;
 - (f) travel trailer parks;
 - (g) auction sales or salvage barns;
 - (h) communication towers;
 - (i) manufactured home, modular home and travel trailer sales, service, repair and rental;
 - (j) material reclamation receiving centers;
 - (k) tractor trailer service stations;
 - (l) building materials sales yards, not including concrete mixing;

- (m) contractor's shops and storage yards;
 - (n) display sheds, garages, carports and house sales, including "shell" houses sales;
 - (o) freight forwarding, packing and crating services;
 - (p) motor vehicle storage/towing lots;
 - (q) public garages; and
 - (r) utility trailer and truck rental. (P)
2. Within ninety (90) days after approval of this rezoning, the parking areas and driveways, if not otherwise paved, shall be resurfaced with a minimum of six (6) inches of No. 21 or No. 21A stone. (P)
(Note: The property may be accessed across that parcel having a Tax Identification Number 796-608-8797 and/or across those parcels having Tax Identification Numbers 796-660-4549 and 796-660-6637.)
3. In the event the Property is redeveloped for any use other than a golf driving range, miniature golf, and related accessory uses, the Property shall be brought into compliance with the current zoning regulations. (P)
4. The public water system shall be used. (U)

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

03SN0300

In Bermuda Magisterial District, ALLEN M. TWEDT requests Conditional Use and amendment of zoning district map to permit a computer-controlled, variable message electronic sign. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for commercial use. This request lies in a General Business (C-5) District on 4.7 acres and is known as 2401 West Hundred Road. Tax ID 799-654-9625 (Sheet 26).

Mr. Jacobson presented a summary of Case 03SN0300 and stated the Planning Commission and staff recommend approval subject to one condition.

Mr. Allen Twedt stated the recommendation is acceptable.

Mr. Warren called for public comment.

No one came forward to speak to the request.

On motion of Mr. McHale, seconded by Mr. Barber, the Board approved Case 03SN0300 subject to the following condition:

In addition to Ordinance requirements, any computer-controlled, variable message, electronic sign shall conform to the following standards:

- a. Copy shall be limited to a maximum of two (2) lines which shall not move, but may fade;
- b. The copy display color shall either be white or yellow;

- c. The message or display shall be programmed or sequenced to change no more than once every ten (10) seconds;
- d. Flashing and traveling messages shall be prohibited; and
- e. Bijou lighting effects shall be prohibited. (P)

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

03SN0306

In Midlothian Magisterial District, STONY POINT REFORMED PRESBYTERIAN CHURCH requests Conditional Use and amendment of zoning district map to permit a private school use. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for public/semi-public use. This request lies in a Residential (R-15) District on 4.7 acres and is known as 2330 Buford Road. Tax ID 755-717-3976 (Sheet 3).

Mr. Jacobson presented a summary of Case 03SN0306 and stated the Planning Commission and staff recommend approval subject to conditions and acceptance of the proffered conditions.

Mr. Jack Wheeler, representing the applicant, stated the recommendation is acceptable.

Mr. Warren called for public comment.

No one came forward to speak to the request.

On motion of Mr. Barber, seconded by Mr. McHale, the Board approved Case 03SN0306 subject to the following conditions:

1. Except where the requirements of the underlying Residential (R-15) zoning are more restrictive, any new development for school use shall conform to the requirements of the Zoning Ordinance for commercial uses in Emerging Growth Areas, excluding buffer requirements. (P)
2. The following setback criteria shall apply to any outdoor play fields, courts swimming pools and similar active recreational areas:
 - a. With the exception of playground areas which accommodate swings, jungle gyms or similar such facilities, all active play fields, courts, swimming pools or similar active recreational facilities which could accommodate organized sports such as football, soccer, basketball, etc., shall be located a minimum of 100 feet from adjacent properties to the north, south and east. Within this setback, existing vegetation shall be supplemented, where necessary, with landscaping or other devices designed to achieve the buffering standards contained in Section 19-522(a)(2) of the Zoning Ordinance.

b. If active play fields, courts, swimming pools and similar active recreational areas are setback more than 100 feet from the adjacent properties to the north, south and east, the landscaping or other design features described in Condition 2.a. may be modified by the Planning Department at the time of site plan review. Such modification shall accomplish mitigation of the visual and noise impacts that sports or related activities have on adjacent properties equivalent to the 100 foot setback/landscaping requirements described in Condition 2.a.

c. Any playground areas (swings, jungle gyms or similar such facilities) shall be setback a minimum of forty (40) feet from all property lines. (P)

And, further, the Board accepted the following proffered conditions:

1. The operation of the private school shall be in conjunction with a church use only. (P)
2. This Conditional Use shall be granted for a period not to exceed three (3) years from the date of approval. (P)
3. The maximum total number of students enrolled during each school year shall be seventy (70). (P)
4. There shall be no direct access from the property to Buford Road. (T)

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

03SN0242

In Clover Hill Magisterial District, GENUINE AUTO PARTS requests amendment to Conditional Use Planned Development (Case 98SN0176) and amendment of zoning district map relative to uses in a Light Industrial (I-1) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for light industrial use. This request lies on 1.0 acre fronting approximately 150 feet on the north line of Hull Street Road, approximately 1,000 feet east of Route 288. Tax ID 736-680-Part of 4744 (Sheet 16).

Mr. Jacobson presented a summary of Case 03SN0242 and stated staff recommends denial because the proposed uses do not comply with the Powhite/Route 288 Development Area Land Use and Transportation Plan which suggests the property is appropriate for light industrial use and approval of the request could set a precedent for additional commercial development along this portion of the Hull Street Road Corridor. He further stated the Planning Commission recommended approval and acceptance of the proffered conditions, noting the subject property is only one acre in size and future zonings in the area would increase the acreage of industrial zoned land in the area.

Mr. John Cogbill, representing the applicant, stated the proposal was reviewed with the community that had been involved with the previous proposal, as well as property owners in the immediate area and the Brandermill Civic Association, and all have indicated their support. He further stated the proposed development sets a higher standard for industrial properties in the area by using a more comprehensive architectural style, lowering the lighting standards; limiting the uses; and limiting colors and other features. He requested that the Board approve the request.

Discussion ensued relative to extension of sidewalks from area businesses.

Mrs. Humphrey expressed concerns that Woodlake residents were not involved in the negotiations for the proposed development. She requested that if future development occurs on the other side of the access road beside the proposed development, sidewalks be required to connect to existing developments. She inquired whether the applicant has addressed the concerns of a neighboring property owner, Mr. Leroy Jefferson, representing Mary H. Jefferson Estate, relative to being landlocked.

Mr. Cogbill stated he has just found out about Mr. Jefferson's situation and has offered to help in any way he can to address his concerns.

Mr. Warren called for public comment.

Mr. John Hughes, representing the Brandermill Community Association, stated he supports the proposed development.

There being no one else to speak to the request, the public hearing was closed.

After brief discussion, on motion of Mr. Warren, seconded by Mr. McHale, the Board approved Case 03SN0242 and accepted the following proffered conditions:

The Owner and Developer (the "Developer") in this zoning case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for themselves and their successors or assigns, proffer that the development of part of the Property known as Chesterfield County Tax Identification Number 736-680-4744 (the "Property") under consideration will be developed according to the following conditions if, and only if, the rezoning request for proffer amendment is granted. In the event the request is denied or approved with conditions not agreed to by the Developer, the proffers and conditions shall immediately be null and void and of no further force or effect.

The application contains one exhibit described as follows:

Exhibit 1 - Plan titled "Plat Showing 1.02 Acres Located in the Clover Hill District of Chesterfield, Virginia, Prepared for the Purpose of Rezoning," prepared by E. D. Lewis & Associates, P.C. and dated January 29, 2003.

1. In addition to the uses permitted in Proffered Condition 14 of Case 98SN0176, C-2 uses (permitted by-right and with restrictions) shall be permitted on the 1.02-acre portion of Tract II-B shown on Exhibit 1. (P)
2. Any lighting fixture shall not exceed a height of twenty-five (25) feet. (P)
3. Screening walls for the solid waste storage areas and any ground mounted mechanical equipment shall be built of the same materials as the building. Access doors or fences to these areas shall be compatible in color to the building walls, as determined at the time of site plan review. (P)
4. No color used in the sign shall be used as decorative banding around the building. No neon banding shall be allowed around the building. This proffer shall not apply to actual sign areas (as permitted by the Chesterfield County Zoning Ordinance). (P)

Ayes: Warren, McHale, Barber, Humphrey and McHale.

Nays: None.

03SN0283

In Bermuda Magisterial District, TOKEN TOWER, L.L.C. requests amendment to Conditional Use Planned Development (Case 02SN0166) and amendment of zoning district map to permit a communications tower with height exceptions in an Agricultural (A) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for general industrial use. This request lies on 12.5 acres lying off the eastern terminus of Station Road. Tax ID 792-685-5662 (Sheet 12).

Ms. Beverly Rogers presented a summary of Case 03SN0283 and stated there is a 540-foot tower located on adjacent property and there has already been a zoning approval on the subject property to allow a 400-foot tower, but it has yet to be erected. She further stated the request would allow a second tower at a height of 540 feet on the subject property. She stated staff recommends denial because the request is not in compliance with the Public Facilities Plan or the Jefferson Davis Corridor Plan. She further stated the Planning Commission recommended approval and acceptance of the proffered condition, noting the request was supported by area residents.

Mr. John Cogbill, representing the applicant, stated the property owner intends to relocate the existing tower onto adjacent property that he owns. He requested that the Board approve the request as recommended by the Planning Commission.

When asked, Mr. Cogbill stated the property owner intends to remove the existing tower if the proposed tower is approved.

Mr. Barber inquired about the uses and capacity of the proposed tower.

Mr. Cogbill stated the proposed tower has considerable space for co-location and its primary purpose is for radio signals.

When asked, Mr. Jacobson stated, if the existing tower were to be dismantled and moved, the zoning would remain in place and another tower could be erected.

Mr. Warren called for public comment.

No one came forward to speak to the request.

After brief discussion, on motion of Mr. McHale, seconded by Mr. Warren, the Board approved Case 03SN0283 and accepted the following proffered condition:

The property owner (the "Owner") in this zoning case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for themselves and their successors or assigns, proffer that the development of the Property known as Chesterfield County Tax Identification Number 792-685-5662 (the "Property") under consideration will be developed according to the following conditions if, and only if, the request for CUPD with height exceptions is granted. In the event the request is denied or approved with conditions not agreed to by the Owner, the proffers and conditions shall immediately be null and void and have no further force or effect.

With approval of this CUPD, one additional tower may be constructed on the Property, which tower shall not exceed a height of five hundred and forty (540) feet above ground level.

(Staff Note: This condition is in addition to conditions of zoning approval for Case 02SN0166.)

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

16. PUBLIC HEARINGS

16.A. TO CONSIDER CHANGES TO THE COUNTY CODE TO ALLOW THE COUNTY TO COLLECT A FEE TO HELP DEFRAID THE COST OF OPERATING THE COUNTY'S POLICE AND SHERIFF TRAINING ACADEMIES

Mr. Jay Payne, Budget Manager, stated this date and time has been advertised for a public hearing for the Board to consider adoption of an ordinance to allow the county to collect a fee to help defray the cost of operating the county's Police and Sheriff Training Academies.

Mr. Warren called for public comment.

No one came forward to speak to the ordinance.

On motion of Mr. Miller, seconded by Mrs. Humphrey, the Board adopted the following ordinance:

AN ORDINANCE TO AMEND THE CODE OF THE COUNTY OF CHESTERFIELD, 1997, AS AMENDED, BY ADDING SECTION 9-133 RELATING TO FEES COLLECTED FOR CRIMINAL

AND TRAFFIC CONVICTIONS IN GENERAL DISTRICT COURTS
TO SUPPORT CRIMINAL JUSTICE TRAINING ACADEMIES

BE IT ORDAINED by the Board of Supervisors of Chesterfield County:

(1) That Section 9-133 of the Code of the County of Chesterfield, 1997, as amended, is added to read as follows:

Section 9-133. Collection of fee in general district courts to support criminal justice training academies.

- (a) The county hereby assesses a fee of \$1.00, as court costs in the general district courts, for misdemeanors, traffic offenses, and criminal actions or proceedings for violation of any provision of Code of Virginia, tit. 18.2, ch. 7, art. 1, (§§ 18.2-247 et seq.), as amended.
- (b) Assessment of the fees provided for in this section shall be based on: (i) an appearance for court hearing in which there has been a finding of guilty; (ii) a written appearance with waiver of court hearing and entry of guilty plea; (iii) for a defendant failing to appear, a trial in his or her absence resulting in a finding of guilty; (iv) an appearance for court hearing in which the court requires that the defendant successfully complete traffic school or a driver improvement clinic, in lieu of a finding of guilty; or (v) a deferral of proceedings pursuant to Code of Virginia §§ 4.1-305, 16.1-278.8, 16.1-278.9, 18.2-57.3, 18.2-67.2:1, 18.2-251 or 19.2-303.2, as amended.
- (c) After collection by the clerk of the district court, the fee shall be remitted to the county treasurer and held in a special nonreverting fund that will be used solely to support the Police and Sheriff Departments' criminal justice training academies.

(2) That this ordinance shall become effective on September 1, 2003.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

16.B. TO CONSIDER REVISIONS TO THE FY2004 SCHOOL CAPITAL IMPROVEMENT FUND APPROPRIATIONS

Mr. Payne stated this date and time has been advertised for a public hearing for the Board to consider increasing the School Capital Improvements Fund by \$550,000 and transferring \$7,470,700 from the Reserve for School Capital Improvements to the School Capital Improvements Fund for the FY2004 School construction program.

Mr. Warren called for public comment.

No one came forward to speak to the issue.

On motion of Mr. McHale, seconded by Mrs. Humphrey, the Board increased the School Capital Improvements Fund by \$550,000

and transferred \$7,470,700 from the Reserve for School Capital Improvements to the School Capital Improvements Fund for the FY2004 School construction program.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

**16.C. TO CONSIDER CHANGES TO THE COUNTY'S ORDINANCES
RELATING TO UNLAWFUL CONDITIONS OF TRASH, GARBAGE,
WEEDS AND GRASS**

Mr. Stith stated this time and date has been advertised for a public hearing for the Board to consider ordinances relating to unlawful conditions of trash, garbage, weeds and grass.

Mr. Warren called for public comment.

No one came forward to speak to the ordinances.

Discussion ensued relative to county ordinances regarding abandoned cars.

On motion of Mr. Barber, seconded by Mrs. Humphrey, the Board adopted the following ordinance:

AN ORDINANCE TO AMEND THE CODE OF THE COUNTY
OF CHESTERFIELD, 1997, AS AMENDED, BY AMENDING
AND RE-ENACTING SECTION 11-31 RELATING TO UNLAWFUL
CONDITIONS OF TRASH, GARBAGE, REFUSE, LITTER AND
OTHER SUBSTANCES GENERALLY

BE IT ORDAINED by the Board of Supervisors of Chesterfield County:

(1) That Section 11-31 of the Code of the County of Chesterfield, 1997, as amended, is amended and re-enacted to read as follows:

Sec. 11-31. Unlawful conditions of trash, garbage, refuse, litter and other substances generally.

(a) No owner of any lot or parcel of land within the county shall permit trash, garbage, refuse, litter and other substances which are reasonably liable to endanger the health of any person or injuriously affect public health or safety to remain on the lot or parcel.

(b) Trash, garbage, refuse, litter and other debris shall be disposed of in personally owned or privately owned receptacles that are provided for such use and for the use of the person disposing of such matter or in authorized facilities provided for such purpose and in no other manner not authorized by law.

(c) Whenever the county administrator or the official designated by him determines that any such unlawful conditions exist, he shall notify the property owner of record of such determination by certified mail, return receipt requested, sent to the address listed in the real estate tax records, requiring such property owner to correct the condition. If the condition is not corrected within ten days after receipt of such notice, the county administrator

or his designee may order such condition to be corrected, either by county forces or by a private contractor. The actual cost, together with an administrative handling charge of \$15.00, shall be billed to the property owner and if not paid shall be added to and collected in the same manner as the real estate tax on such property. The county administrator or his designee shall certify the costs and expenses to the treasurer of the county, who shall collect such amount; and if such amount shall remain unpaid for a period of 60 days, then the treasurer shall certify such charges as being unpaid to the clerk of the circuit court of the county, who shall maintain a record book of such delinquent costs and expenses on file in the records of his office.

(d) Every charge authorized by this section with which the owner of any such property shall have been assessed and which remains unpaid shall constitute a lien against such property ranking on a parity with liens for unpaid local taxes and enforceable in the same manner as provided in Code of Virginia, tit. 58.1, ch. 39, art. 3 (§§ 58.1-3940 et seq.) and art. 4 (§§ 58.1-3965 et seq.), as amended. The County may waive such liens in order to facilitate the sale of the property. Such liens may be waived only as to a purchaser who is unrelated by blood or marriage to the owner and who has no business association with the owner. All such liens shall remain a personal obligation of the owner of the property at the time the liens were imposed.

(e) Violations of this section shall be subject to a civil penalty of \$50 for the first violation, or violations arising from the same set of operative facts. The civil penalty for subsequent violations not arising from the same set of operative facts within 12 months of the first violation shall be \$200. Each business day during which the same violation is found to have existed shall constitute a separate offense. In no event shall a series of specified violations arising from the same set of operative facts result in civil penalties that exceed a total of \$3,000 in a 12-month period.

(f) Such violations shall be a Class 3 misdemeanor in the event three civil penalties have previously been imposed on the same defendant for the same or similar violation, not arising from the same set of operative facts, within a 24-month period. Classifying such subsequent violations as criminal offenses shall preclude the imposition of civil penalties for the same violation.

(2) That this ordinance shall become effective immediately upon adoption.

And, further the Board adopted the following ordinance:

AN ORDINANCE TO AMEND THE CODE OF THE COUNTY
OF CHESTERFIELD, 1997, AS AMENDED, BY AMENDING
AND RE-ENACTING SECTION 11-32 RELATING TO UNLAWFUL
CONDITIONS OF WEEDS, GRASS, SHRUBBERY, TREES AND
OTHER VEGETATION GENERALLY

BE IT ORDAINED by the Board of Supervisors of Chesterfield County:

(1) That Section 11-32 of the Code of the County of Chesterfield, 1997, as amended, is amended and re-enacted to read as follows:

Sec. 11-32. Unlawful conditions of weeds, grass, shrubbery, trees and other vegetation generally.

- (a)(1) No owner of any vacant developed or undeveloped property, including property upon which buildings or other improvements are located, within the boundaries of platted subdivisions or any other areas zoned for residential, business, commercial or industrial use in the county shall permit to remain thereon, any grass, weeds, brush or other uncontrolled vegetation in excess of 18 inches in height.
- (2) No owner of any lot or parcel of land shall permit to grow or remain thereon any hedge, shrub, tree or other vegetation, the limbs, branches or other parts of which overhang, extend or protrude into any street, sidewalk or public alley in a manner which obstructs or impedes the safe and orderly movement of persons or vehicles thereon, or in the case of trees, when the dead limbs or branches thereof are likely to fall into or across such street or sidewalk, thereby endangering such persons and vehicles.
- (3) No owner of occupied residential real property shall permit to remain on such property or any part thereof a grass or lawn area of less than one-half acre when growth on such grass or lawn area exceeds 12 inches in height. This paragraph shall not apply to land zoned for or in an active farming operation.
- (4) Upon remedying any such unlawful condition, the owner shall dispose of such vegetation in a manner that eliminates any potential fire hazard.

(b) Whenever the county administrator, or the official designated by him, has determined by reports, inspections or otherwise, that any such unlawful condition exists, he shall notify the owner of the land upon which the violation exists to cut or cause to be cut the grass, weeds, brush or other uncontrolled vegetation within such reasonable time as is specified in the notice. Such notice shall be in writing, shall be delivered by hand or mailed to the last known address of the owner and shall be complied with by the owner.

If such grass, weeds, brush or other uncontrolled vegetation are not cut within the required time, the county official designated by the county administrator shall cause them to be cut and the costs and expenses thereof, including an administrative handling charge of \$35.00, shall be billed to the property owner and if not paid shall be added to and collected in the same manner as the real estate tax on such property. The county administrator or his designee shall certify the costs and expenses to the treasurer of the county, who shall collect such amount; and if such amount shall remain unpaid for a period of 60 days, then the treasurer shall certify such charges as being unpaid to the clerk of the circuit court of the county, who shall maintain a record book of such delinquent costs and expenses in the records of the clerk's office. Every charge authorized by this section as a result of a violation of paragraph (a)(1) with which the owner and lien holder of any such property shall have been assessed and which remains unpaid shall constitute a lien against such property ranking on a parity

with liens for unpaid local taxes and shall be enforceable in the same manner as provided in Code of Virginia, tit. 58.1, ch. 39, arts. 3 and 4 (§§ 58.1-3940--58.1-3974), as amended. A locality may waive such liens in order to facilitate the sale of the property. Such liens may be waived only as to a purchaser who is unrelated by blood or marriage to the owner and who has no business association with the owner. All such liens shall remain a personal obligation of the owner of the property at the time the liens were imposed.

(c) Any owner who violates paragraph (a)(1) of this section shall be subject to a civil penalty of \$50 for the first violation, or violations arising from the same set of operative facts. The civil penalty for subsequent violations not arising from the same set of operative facts within 12 months of the first violation shall be \$200. Each business day during which the same violation is found to have existed shall constitute a separate offense. In no event shall a series of specified violations arising from the same set of operative facts result in civil penalties that exceed a total of \$3,000 in a 12-month period.

(d) Violations of paragraph (a) (1) shall be a Class 3 misdemeanor in the event three civil penalties have previously been imposed on the same defendant for the same or similar violation, not arising from the same set of operative facts, within a 24-month period. Classifying such subsequent violations as criminal offenses shall preclude the imposition of civil penalties for the same violation.

(e) Any violation of paragraph (a)(3) of this section shall be punishable by a civil penalty not to exceed \$100.00.

(2) That this ordinance shall become effective immediately upon adoption.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

16.D. TO CONSIDER THE REVISION OF THE COUNTY'S EMERGENCY RESPONSE COST RECOVERY ORDINANCE TO ALLOW THE COUNTY TO RECOVER EXPENSES FOR ADDITIONAL OFFENSES

Mr. Payne stated this date and time has been advertised for a public hearing for the Board to consider revision of the county's Emergency Response Cost Recovery Ordinance to allow the county to recover expenses for additional offenses.

Mr. Warren called for public comment.

No one came forward to speak to the ordinance amendment.

Mr. Miller expressed concerns relative to the General Assembly's rationale for allowing emergency response cost recovery for incidents involving driving without a license.

On motion of Mr. McHale, seconded by Mr. Warren, the Board adopted the following ordinance:

AN ORDINANCE TO AMEND THE CODE OF THE COUNTY OF CHESTERFIELD, 1997, AS AMENDED, BY AMENDING AND RE-ENACTING SECTION 13-71 RELATING TO REIMBURSEMENT OF EXPENSES INCURRED IN RESPONDING TO DUI AND OTHER TRAFFIC INCIDENTS

BE IT ORDAINED by the Board of Supervisors of Chesterfield County:

(1) That Section 13-71 of the Code of the County of Chesterfield, 1997, as amended, is amended and re-enacted to read as follows:

Sec. 13-71. Reimbursement of expenses incurred in responding to DUI and other traffic incidents.

(a) A person convicted of violating any of the following provisions shall be liable in a separate civil action for reasonable expenses incurred by the county or by any volunteer rescue squad, or both, when providing an appropriate emergency response to any accident or incident related to such violation. Personal liability under this section for reasonable expenses of an appropriate emergency response shall not exceed \$1,000.00 in the aggregate for a particular accident or incident occurring in the county:

(1) The provisions of Code of Virginia §§ 18.2-51.4, 18.2-266 or 29.1-738, as amended, or a similar County ordinance, when such operation of a motor vehicle, engine, train or watercraft while so impaired is the proximate cause of the accident or incident;

(2) The provisions of Code of Virginia, tit. 46.2, ch. 8, art. 7 (§§ 46.2-852 et seq.), as amended, relating to reckless driving, when such reckless driving is the proximate cause of the accident or incident;

(3) The provisions of Code of Virginia, tit. 46.2, ch. 3, art. 1 (§§ 46.2-300 et seq.), as amended, relating to driving without a license or driving with a suspended or revoked license; and,

(4) The provisions of Code of Virginia, § 46.2-894, as amended, relating to improperly leaving the scene of an accident.

(b) In determining "reasonable expenses", the county may bill a flat fee of \$100.00 or a minute-by-minute accounting of the actual costs incurred. As used in this section "appropriate emergency response" includes all costs of providing law-enforcement, fire-fighting, rescue, and emergency medical services.

(c) The fire and police departments shall compile a report of the reasonable expenses of the appropriate emergency response for each accident or incident and forward that information to the county attorney's office or the accounting department for appropriate proceedings.

(2) That this ordinance shall become effective immediately upon adoption.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

16.E. TO CONSIDER THE ACCEPTANCE AND APPROPRIATION OF PART C GRANT FUNDS FOR THE COMMUNITY SERVICES BOARD

Mr. Hammer stated that this date and time has been advertised for a public hearing for the Board to consider acceptance and appropriation of Part C Grant Funds for the Community Services Board.

Mr. Warren called for public comment.

No one came forward to speak to the issue.

On motion of Mrs. Humphrey, seconded by Mr. Miller, the Board accepted and appropriated \$524,260 in state and federal funds for the FY2004 Part C program of the Chesterfield Interagency Coordinating Council and Child Care Program, administered by the Chesterfield Community Services Board and coordinated by its Infant Program. (It is noted no local matching funds are required.)

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

16.F. TO CONSIDER AN ORDINANCE TO VACATE A PORTION OF AN UNIMPROVED RIGHT OF WAY KNOWN AS ROWANTY COURT

Mr. Stith stated this date and time has been advertised for a public hearing for the Board to consider an ordinance to vacate a portion of an unimproved right of way known as Rowanty Court.

Mr. Warren called for the public hearing.

No one came forward to speak to the ordinance.

On motion of Mrs. Humphrey, seconded by Mr. Warren, the Board adopted the following ordinance:

AN ORDINANCE whereby the COUNTY OF CHESTERFIELD, VIRGINIA, ("GRANTOR") vacates to JANESHWAR UPADHYAY also known as J. UPADHYAY and JANESHWAR UPADHYAY and PURNIMA UPADHYAY, (husband and wife), ("GRANTEE"), a portion of an unimproved right of way known as Rowanty Court, MATOACA Magisterial District, Chesterfield County, Virginia, as shown on a plat thereof duly recorded in the Clerk's Office of the Circuit Court of Chesterfield County in Plat Book 15, at Page 97.

WHEREAS, J. UPADHYAY, petitioned the Board of Supervisors of Chesterfield County, Virginia to vacate a portion of an unimproved right of way known as Rowanty Court MATOACA Magisterial District, Chesterfield County, Virginia more particularly shown on a plat of record in the Clerk's Office of the Circuit Court of said County in Plat Book 15, Page 97, by LAPRADE BROS., dated MAY 12, 1967. The portion of right of way petitioned to be vacated is more fully described as follows:

A portion of an unimproved right of way known as Rowanty Court, the location of which is more

fully shown on a plat made by LAPRADE BROS., dated MAY 12, 1967, a copy of which is attached hereto and made a part of this Ordinance.

WHEREAS, notice has been given pursuant to Section 15.2-2204 of the Code of Virginia, 1950, as amended, by advertising; and,

WHEREAS, no public necessity exists for the continuance of the portion of right of way sought to be vacated.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF CHESTERFIELD COUNTY, VIRGINIA:

That pursuant to Section 15.2-2272 of the Code of Virginia, 1950, as amended, the aforesaid portion of right of way be and is hereby vacated.

GRANTEE hereby conveys unto the GRANTOR and GRANTOR hereby reserves a variable width easement over the entire portion of Rowanty Court hereby vacated.

This Ordinance shall be in full force and effect in accordance with Section 15.2-2272 of the Code of Virginia, 1950, as amended, and a certified copy of this Ordinance, together with the plat attached hereto shall be recorded no sooner than thirty days hereafter in the Clerk's Office of the Circuit Court of Chesterfield County, Virginia pursuant to Section 15.2-2276 of the Code of Virginia, 1950, as amended.

The effect of this Ordinance pursuant to Section 15.2-2274 is to destroy the force and effect of the recording of the portion of the plat vacated. This Ordinance shall vest fee simple title of the portion of right of way hereby vacated in the abutting property owners free and clear of any rights of public use.

Accordingly, this Ordinance shall be indexed in the names of the COUNTY OF CHESTERFIELD as GRANTOR, and JANESHWAR UPADHYAY also known as J. UPADHYAY, and JANESHWAR UPADHYAY and PURNIMA UPADHYAY, (husband and wife), or their successors in title, as GRANTEE.

Ayes: Warren, McHale, Barber, Humphrey and Miller.

Nays: None.

16.G. TO CONSIDER AN ORDINANCE TO VACATE A PORTION OF DUPUY COURT SUBDIVISION

Mr. Stith stated this date and time has been advertised for a public hearing for the Board to consider an ordinance to vacate a portion of Dupuy Court Subdivision.

Mr. Warren called for the public hearing.

No one came forward to speak to the ordinance.

On motion of Mrs. Humphrey, seconded by Mr. McHale, the Board adopted the following ordinance:

AN ORDINANCE whereby the COUNTY OF CHESTERFIELD, VIRGINIA, ("GRANTOR") vacates to JAMES W. MAYFIELD, GENE A. BROWN and SUSIE W. BROWN, (husband and wife), CHARMAINE HARRIS, and JAMES ARTHUR JONES, ("GRANTEE"), a portion of Dupuy Court Subdivision, MATOACA Magisterial District, Chesterfield County, Virginia, as shown on a plat thereof duly recorded in the Clerk's Office of the Circuit Court of Chesterfield County in Plat Book 8, at Page 111.

WHEREAS, JAMES W. MAYFIELD, petitioned the Board of Supervisors of Chesterfield County, Virginia to vacate a portion of Dupuy Court Subdivision, MATOACA Magisterial District, Chesterfield County, Virginia more particularly shown on a plat of record in the Clerk's Office of the Circuit Court of said County in Plat Book 8, Page 111, by J. W. PUGH, dated NOVEMBER 1947. The portion of Dupuy Court Subdivision petitioned to be vacated is more fully described as follows:

A portion of a 50' unimproved right of way known as Peach Tree Street, a 30' Outlet Road and Lots 1, 2, 3 and Part of Lot 4 within Dupuy Court Subdivision, the location of which is more fully shown on a plat made by DOWNING SURVEYS, INC., dated MARCH 20, 2003, revised AUGUST 14, 2003, a copy of which is attached hereto and made a part of this Ordinance.

WHEREAS, notice has been given pursuant to Section 15.2-2204 of the Code of Virginia, 1950, as amended, by advertising; and,

WHEREAS, no public necessity exists for the continuance of the portion of subdivision sought to be vacated.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF CHESTERFIELD COUNTY, VIRGINIA:

That pursuant to Section 15.2-2272 of the Code of Virginia, 1950, as amended, the aforesaid portion of Dupuy Court Subdivision be and is hereby vacated.

This Ordinance shall be in full force and effect in accordance with Section 15.2-2272 of the Code of Virginia, 1950, as amended, and a certified copy of this Ordinance, together with the plat attached hereto shall be recorded no sooner than thirty days hereafter in the Clerk's Office of the Circuit Court of Chesterfield County, Virginia pursuant to Section 15.2-2276 of the Code of Virginia, 1950, as amended.

The effect of this Ordinance pursuant to Section 15.2-2274 is to destroy the force and effect of the recording of the portion of the plat vacated. This Ordinance shall vest fee simple title to the centerline of the portion of street known as Peach Tree Street hereby vacated in the abutting property owners within Dupuy Court Subdivision, free and clear of any rights of public use and shall vest fee simple title of the Outlet Road hereby vacated in the abutting property owners within Dupuy Court Subdivision, free and clear at any rights of public use.

Accordingly, this Ordinance shall be indexed in the names of the COUNTY OF CHESTERFIELD as GRANTOR, and JAMES W. MAYFIELD, GENE A. BROWN and SUSIE W. BROWN, (husband and wife), CHARMAINE HARRIS, and JAMES ARTHUR JONES, or their successors in title, as GRANTEE.

Ayes: Warren, McHale, Barber, Humphrey and Miller.
Nays: None.

17. REMAINING MOBILE HOME PERMITS AND ZONING REQUESTS

There were no remaining mobile home permits or zoning requests at this time.

18. ADJOURNMENT

On motion of Mr. McHale, seconded by Mr. Barber, the Board adjourned at 8:07 p.m. until September 17, 2003 at 3:30 p.m.

Ayes: Warren, McHale, Barber, Humphrey and Miller.
Nays: None.

Lane B. Ramsey
County Administrator

Arthur S. Warren
Chairman